the weekly Standard

JANUARY 17, 2005

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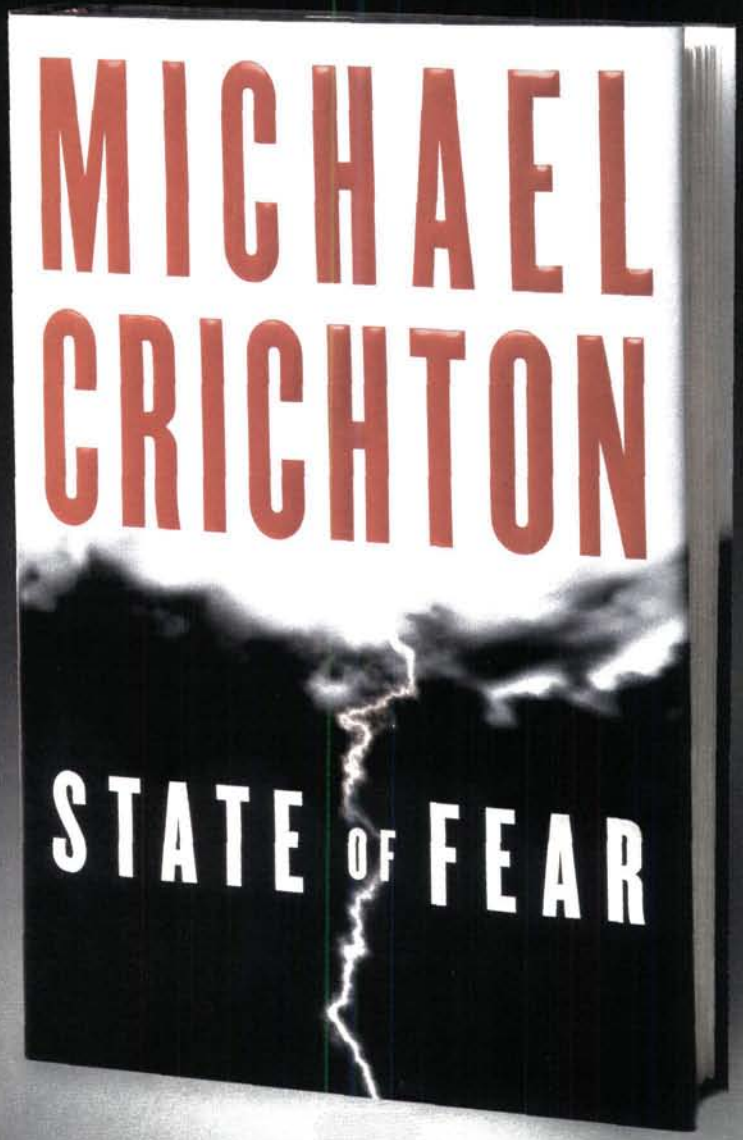

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Cartesian Ethics

On December 22, in an evening sleet storm at Villacoublay air base west of Paris, two French journalists, Georges Malbrunot of *Le Figaro* and Christian Chesnot of Radio France Internationale, were finally reunited with their families after spending 124 days as kidnapped hostages of an Iraqi jihadist group. Chesnot seemed especially shaken by the experience, during which at least three other people held hostage with him were beheaded. Chesnot said very little to the army of attending reporters, and he's had very little to say in public ever since.

Georges Malbrunot, on the other hand, has proved himself quite the chatterbox.

On the Villacoublay tarmac, for example, Malbrunot explained how the two men had sustained themselves through four straight months of mortal fear by remaining "humble." And "Cartesian." And ostentatiously French. During their very first interrogation, Malbrunot remembered, he and Chesnot "immediately played the 'French journalist card,' while insisting on the fact that France is against the war." Then, "we told them that we'd understood them to be a 'resistance' from the moment there was an illegal occupation" of Iraq. Or, put another way, "we gave them pledges to demonstrate that we weren't pro-American." It was only privately, "to myself," that Malbrunot found himself fondly daydreaming about the United States Marines: "If only an American patrol would come through, take out this lovely bunch, and set us free."

Not French enough for you? Okay, then have a look at the following passage from an exclusive interview Malbrunot has now granted Nidra Poller in the January 3 edition of the *New York Sun*:

> POLLER: Would you call the people who were holding you insurgents, or resistants?
>
> MALBRUNOT: For us it is clear: People who combat an illegal occupation that results from an illegal war are resistants. Resistance is a sacred right, whether you are Islamist or nationalist, you are resistants. However, when you capture people from a country that has nothing to do with the situation, then your methods have nothing to do with the resistance. Those methods are—uh—different.
>
> POLLER: When they take hostages from countries who have troops in Iraq, would that be resistance? Nick Berg?
>
> MALBRUNOT: Would that be resistance? [Long silence.] That—that—they can capture them—negotiate—but not kill them. [Pause.] Taking hostages is a measure—it's—it's a method of terrorists.
>
> POLLER: Whether or not? Occupation or no occupation?
>
> MALBRUNOT: Still it's all the more reprehensible when it hits people who have nothing to do with the war.

Here's an idea: How's about you come over here and explain that theory to Nick Berg's mom and dad, Frog boy? ♦

Confucian Wisdom

According to the January 5 edition of *Taipei Times*, Taiwan's largest and most prominent English-language daily, that country's governing Democratic Progressive party is having trouble moving a controversial "sovereignty resolution" through the legislature, where the two largest opposition parties both seem determined to block the measure. The proposal in question would declare Taiwan an independent country neither governed by nor belonging to mainland China—a status alterable only by popular referendum.

All of which is terribly important in its own right, don't get us wrong. And next time THE SCRAPBOOK is feeling like a serious journalistic enterprise, maybe we'll offer up an appropriately serious comment on the subject. Meantime, we're just looking for a half-decent excuse to share with you a genuinely magical quotation that *Taipei Times* staff reporter Debby Wu managed to include in her story. It seems she asked Chinese Nationalist party legislative caucus whip Huang Teh-fu to elaborate on his objections to the sovereignty bill. And it seems he offered this in response: "The sovereignty of the ROC [Republic of China] is already something that is acknowledged by the Taiwanese public, and proposing this resolution is like taking one's pants down before farting."

"The Chinese proverb 'to take one's pants down before farting,'" Ms. Wu helpfully points out, "means to engage in an unnecessary act." ♦

Correction

Speaking of flatulence: Judging from initial reports last Thursday by *New York Daily News* gossip columnist Lloyd Grove and *Boston Phoenix* media critic Dan Kennedy, our magazine's then-still-current issue contained what suddenly became an imprecise description of former Clinton White House apparatchik Sidney Blumenthal's employment status. Specifically, last issue's installment of THE SCRAPBOOK identified Blumenthal as an "altogether unprofessional journalist" and a "notoriously malicious fable-spinner."

Which was fine, of course. Except that we also credited Blumenthal as "Washington bureau chief of *Salon*," a job from which it seems he's just been

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fired. Which is really, *really* fine, come to think of it.

Lloyd Grove's version says that Blumenthal "has been relieved of his duties" at the online magazine by *Salon* chieftain David Talbot, who "was muted about the cause of Blumenthal's exit" (as was, for that matter, the "equally vague" Blumenthal). Kennedy's *Phoenix* column has Blumenthal "leaving *Salon*" in a "parting that a source suggests may not be entirely happy," though Blumenthal and Talbot are "putting a good face" on the move. Blumenthal, for example, will say only that "lots of changes happen when elections are over."

In context, the American proverb "lots of changes happen when elections are over" probably means something like "sooner or later, pretty much everybody winds up disliking me." ♦

Sen. Reid's Embarrassment

Back in early December, Senate minority leader-in-waiting Harry Reid of Nevada raised a medium-sized stink—and many an eyebrow—by deriding Supreme Court Justice Clarence Thomas's intelligence on *Meet the Press*. Asked whether he might support Thomas's elevation to the chief justiceship should William Rehnquist shortly retire, Reid told host Tim Russert, "I think [Thomas] has been an embarrassment to the Supreme Court. I think that his opinions are poorly written." Justice Antonin Scalia, on the other hand . . . well, Reid had to admit that Scalia, whatever else one may say about him, is "one smart guy."

Incoming Congressional Black Caucus chairman Mel Watt, to his credit, wondered aloud why Reid felt free to call the nation's most prominent black jurist a nitwit. "Sen. Reid stands by his comments," Reid's press lady told reporters at the time. Indeed, three weeks later, Reid stood by those comments in person, on CNN's *Inside Politics*. Anchor Ed Henry threw Reid a curveball: "Could you name one of those [Thomas] opinions that you think is poorly written?" Reid swung with all his might:

> Oh, sure. That's easy to do. You take the *Hillside Dairy* case. In that case you had a dissent written by Scalia and a dissent written by Thomas. There—it's like looking at an 8th grade dissertation compared to somebody who just graduated from Harvard.

Hats off to *OpinionJournal.com* columnist James Taranto for having had the wit actually to look up the *Hillside Dairy* case. Turns out that: (1) the "poorly written" Thomas dissent in *Hillside Dairy* v. *Lyons* is only two sentences long; (2) those two sentences aren't poorly written at all; (3) the Scalia dissent Reid cited by way of unflattering contrast is nonexistent—Scalia voted with the *Hillside* majority.

To which bill of particulars THE SCRAPBOOK has a modest contribution of its own to add: The plaintiff-petitioners whom Justice Thomas would have ruled against in the *Hillside* case were out-of-state milk producers upset about protectionist regulatory practices by the state of California. No fair, argued Hillside Dairy, Inc., a family-run milk-cow complex headquartered in—where else?—Harry Reid's Nevada. ♦

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Casual

Don't Stop Thinking About Yesterday

There is a New Year's story (it may even be true) about Merriman Smith, one of the great White House correspondents of mid-century. As a young reporter freshly arrived from Georgia in the 1930s, Smith was told to man the Washington desk on New Year's Day, while his more senior colleagues nursed their hangovers. His editors had told him to do some kind of New Year's roundup that would allude to Franklin and Eleanor Roosevelt's decision to spend the holiday at the White House. So Smith drafted a story that began: "The President and Mrs. Roosevelt passed the day at the White House, where they ushered in the New Year with black-eyed peas and ham hocks."

This level of detail caused a panic of why-we-no-have among other wire services. Reporters frantically called the White House to confirm the story. They were told it was untrue. When stories began appearing that the president had *not* had black-eyed peas, Smith was in the hot seat. His editors asked him who his sources were.

"*Sources?*" was his incredulous reply. "*Everybody* has black-eyed peas and ham hocks on New Year's Day."

It is always hard to be sure if you're doing something no one else does, but I'm confident that few people indulge in my own New Year's pastime. It is a mental game you can play to bring the past ever closer. You take an event that seems recent, figure out the number of years since it happened, and then count back from there. Almost inevitably, you find that recent things happened longer ago than you think.

Bill Clinton's election (1992), for instance, is closer to the 1970s than it is to the present. And Jimmy Carter's Inauguration Day (1977) is as close to Harry Truman's (1949) as it is to the one George Bush will enjoy at the end of this month. Eisenhower's arrival in Washington is closer to Queen Victoria's reign than it is to us. FDR's arrival in Washington (1933) is as close to Abe Lincoln's (1861) as to Barack Obama's (2005).

Why does this game work? Maybe because people want to believe they're younger than they actually are. Look at Woodstock (1969), now 36 years past and as close to the Hoover administration (1929-33) as to the present—but is still discussed as a credential of youthfulness rather than decrepitude. Music from the 1960s dates particularly badly. A lot of stuff by the Beatles ("I Want to Hold Your Hand," 1963) and Bob Dylan ("Blowin' in the Wind," 1963) is closer to "Yes, We Have No Bananas," which came out the year Warren Harding died (1923), than it is to Madonna's next hit. Or maybe it's that all music gets old fast. The Sex Pistols' "Anarchy in the UK" (1976) belongs more to the era of "I'm Looking Over a Four-Leaf Clover" (1948) than it does to ours.

Probably, in our narrow-minded way, we look at the stuff we've experienced as "alive" and the stuff that went on before we arrived as "dead." We have a keen sense of sequence about what we've seen, while what we haven't seen is jumbled into the bin of "the past." Wars of royal succession, for instance, seem like the stuff of fable, vaguely medieval, while Marxism seems like a "modern" phenomenon, even if it has seen better days. And yet, three years from now, the *Communist Manifesto* (1848) will be no closer in time to us than it is to the Glorious Revolution (1688).

How modern is modernism in the first place? Virginia Woolf's *Mrs. Dalloway* (1925) is as close to the publication of Wordsworth's *Prelude* (1850) as it is to anything now on the *New York Times* fiction best-seller list. Even some of the novelists who are in full vigor today published their first books an awful long time ago. Norman Mailer's *The Naked and the Dead* (1948) is closer to the last scribblings of Whitman and Tennyson (d. 1892) than it is to any poem that will be published this year.

More binds us to history than we think. That's the optimistic way of looking at it. The pessimistic way is to say that time is proceeding at breakneck speed. Maybe that is why certain classes of people hate this game, and why even a kindly meant sally—like, "Mom, did you know that your coming-out party is now closer to the Battle of Sedan than it is to the present?"—can drive certain people into an inexplicable and unsportsmanlike rage.

Christopher Caldwell

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In Defense of Rummy

I was disappointed to see Frederick W. Kagan misuse Defense Secretary Donald Rumsfeld's remarks to the military on December 8 in Kuwait ("The Army We Have," Dec. 27). The media took Secretary Rumsfeld out of context. Kagan follows suit blindly.

Rumsfeld began his comments as follows: "I talked to the general coming out here about the pace at which the vehicles are being armored. They have been brought from all over the world, wherever they're not needed, to a place here where they are needed. I'm told that they are being—the Army is—I think it's something like 400 a month are being done." And he added, toward the end of his response, "I can assure you that General Schoomaker and the leadership in the Army and certainly General Whitcomb are sensitive to the fact that not every vehicle has the degree of armor that would be desirable for it to have, but that they're working at it at a good clip."

Rumsfeld's statement was neither callous nor irresponsible when taken in context.

Joel Reed
Parker, CO

Being a World War II veteran, when I read an article dealing with the military I always consider how our service people will take it. That's why Frederick W. Kagan's article really got under my skin. If an article so blatantly critical of the military's top civilian leader and our commander in chief had been published during World War II, it would have had a devastating effect on our troops in harm's way.

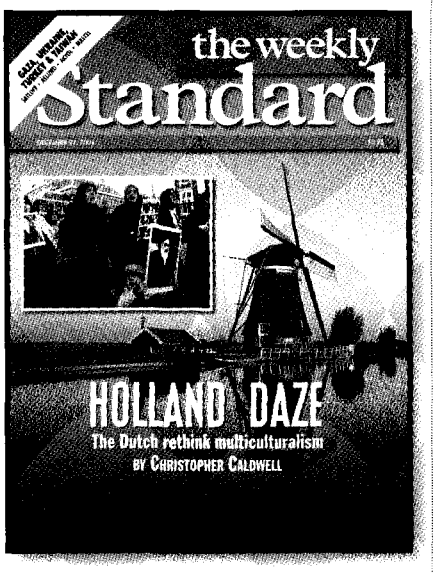
I am not an author or military historian, nor do I approve of everything our president and defense secretary say or do. However, I must remind Kagan that Secretary Rumsfeld's entire statement was the truth. American service people want and deserve the truth. The military we have is vastly improved over the military we inherited from the Clinton administration. Moreover, the military we have is the military Congress gives us, for Congress sets the funding levels that establish its size.

True, it was a mistake to temporarily hold back on cleaning out Falluja and other terrorist havens. But it was done at the request of the interim government of Iraq. Secretary Rumsfeld is not a callous or flippant man. He deserves better than he is receiving from much of the media and the Democrats.

William W. Bryant
Dothan, AL

Donald Rumsfeld was neither callous nor irresponsible in his declaration, "You go to war with the Army you have." As Frederick W. Kagan should know, being a military historian, the defense secretary was being quite factual and open.

The United States (including the Confederacy) entered the Civil War with



an army trained to march in open lines against an opposing force that possessed weapons of longer range, greater accuracy, and a higher rate of fire. In the First World War, the cavalry tactics perfected in the Civil War were briefly and disastrously attempted against entrenched machine gun fire. The United States entered World War II in the Pacific with a Navy of aircraft carriers and a battle plan built around the battleships resting on the bottom of Pearl Harbor. The first U.S. soldiers sent into Vietnam were equipped with high-powered rifles designed to engage the enemy at a distance on the open, nuclear battlefields of Europe.

It is not surprising that the ground forces at the beginning of the liberation of Iraq were built around equipment and tactics that followed on from the first Gulf War: rapid movement of lightly armored forces, supported by overwhelming air power, that isolated and neutralized the uniformed fighting forces arrayed against them. And they did this successfully, initially validating the transformation of the armed forces begun by Secretary Rumsfeld.

Now, of course, we have learned new lessons on the battlefield. Perhaps it is better to confront and destroy the enemy completely with heavier, armored weapons in the field, and thereby decimate the pool of potential insurgents necessary for a sustained post-combat resistance. And, for the postwar fighting now raging in the Sunni Triangle, heavy armor and mobile but reasonably armored vehicles are required.

But just as surely as these lessons are taken to heart and incorporated in the latest military doctrine, we will still enter the next war with the Army we have, and probably be surprised that it is not exactly the Army we might wish to have.

James Heimer
Houston, TX

The Army we now have is a product of the 1990s. Those of us in uniform watched our Army be systematically dismantled during the Clinton administration. Many of those who comment and criticize now stood by in silence then.

Yes, our military (not just the Army) is too small. Yes, we need more troops in Iraq. But it will take another decade to rebuild the military I proudly went to war with in 1990.

Larry Crockett
Colonel, U.S. Army (Ret.)
Port Townsend, WA

Literally Nonsensical

Thanks to Stephen F. Hayes for writing about one of my pet peeves—the use of the word "literally" when the exact opposite is meant ("Literally Exasperated," Dec. 13). Rush Limbaugh is a frequent abuser of the

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word "literally" and it drives me up the wall—figuratively.

Plenty of other words are now frequently misused as well. "Reticent" is used to mean "reluctant." I don't know how many times I have heard a local TV reporter state that an interview target was "reticent to comment." "Enormity" is now used so interchangeably with "enormousness" that dictionaries are starting to offer that as an alternative definition. And then there is "compelling." Lazy journalists and art critics use it as a synonym for "interesting," ignoring the underlying infinitive "to compel."

GREGG GEIL
Austin, TX

I AM STILL CHUCKLING at the idea of President Bush's "literally" steamrollering Charles Gibson. Stephen F. Hayes's piece produced much laughter, and struck so many chords in my little literal world that I literally applauded as I finished reading. Then I mourned once again the loss of Edwin Newman, self-appointed guardian of the English language.

The concept of a "generic intensifier" is not restricted to learned thinkers and the odd dictionary. When my preteen twin granddaughters were about 3 years old, they were quite taken with the expression "soaking wet," to the extent that they then applied the word "soaking" to occasions other than bathing or swimming. I remember hearing one say to the other that she was "soaking mad at you!" Later they declared they were "soaking tired" and ready for bed.

If a 3-year-old can learn the appropriate use of a modifier, is there hope for the rest of us? I won't be literally holding my breath for the answer.

LANE CARLTON ZATOPEK
Boerne, TX

STEPHEN F. HAYES'S delightful piece on the misuse of "literally" reminded me of my favorite example, which I heard on NPR a few years ago: When FDR died, Harry Truman was "literally catapulted" into office.

That sounds like a tradition worth reviving. So much more entertaining than a stuffy oath-taking ceremony!

G.R. PATERSON
Wilmette, IL

GETTING GAZA WRONG?

REGARDING ROBERT SATLOFF'S "Getting Gaza Right" (Dec. 27): The only real litmus test that would demonstrate a change in Palestinian attitudes toward Israel is a willingness to accept Jewish settlements in areas—like Gaza and northern Samaria—that are being transferred to their control. The Palestinians' insistence that the very existence of 8,000 Jewish settlers in their midst is intolerable (while within the state of Israel there are more than one million Palestinian Arabs) proves that the anti-Semitism that has always motivated Palestinian nationalism remains unaltered.

It is unfortunate that both Prime Minister Sharon and President Bush are kowtowing to this most vile of prejudices. THE WEEKLY STANDARD, as a champion of individual liberties, should be defending the right of Jewish victims of Arab terror not to be forcibly evicted from their homes to appease the hatred of those who, under the aegis of Abu Mazen, cannot bear the sight of Jews living among them in peace.

JONATHAN BLASS
Neve Tzuf, Israel

ERRATUM

IN REUEL MARC GERECHT'S "The Struggle for the Middle East" (Jan. 3 / Jan. 10), the interim Iraqi government of Prime Minister Ayad Allawi was described as maintaining official power "until a new constitution is approved." In fact, the Allawi government will remain in office only until the January 30 election.

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the weekly Standard

Domestic Strategery

Maybe we shouldn't worry. President Bush is bravely pushing ahead to introduce personal investment accounts in Social Security and to save the system from insolvency. This is political turf where others, including President Reagan, have feared to tread. And Bush is poised to press later this year for an overhaul of the tax system, making it simpler and producing—we hope anyway—lower rates and a broader tax base. So he is living up to his reputation for dismissing lesser issues as "smallball" and saving his time and political muscle for more significant matters. In his second term, Bush told new members of Congress last week, he intends "to confront problems, not pass them on."

Why, then, are we a bit anxious about the president and his daring domestic agenda? It's certainly conservative enough. The problem is that the White House seems, at times and perhaps inadvertently, to be headed toward undermining its chances of bringing the agenda to fruition. We say this based not only on a few hints or evasions by White House officials, but also on several of Bush's strategic decisions about how he's going to deal with Congress this year on taxes, Social Security, and the budget deficit.

Let's start with taxes. The crown jewels of the president's first term were his tax cuts on individual income, capital gains, and dividends. They lifted the economy out of recession. Without them, Bush probably wouldn't have been reelected. The obvious next step is to make these cuts permanent. The president sought congressional approval of this last year but came up short in the Senate. Now Senate Republicans have a bigger margin. Why not try to lock in the tax cuts as soon as possible? The White House has balked. While Bush's budget proposal for 2006 will assume the tax cuts are permanent, that's not the same as actually enacting them as such. But the White House has its reasons. One is that making the cuts permanent might undercut its bargaining power in the battles over Social Security and tax reform. Our worry, however, is the signal this sends to Democrats and financial markets that the Bush tax cuts could be negotiable, that the president might give up some of the cuts to achieve other goals. That would be a mistake—one worth worrying about.

On Social Security reform, our chief worry is getting it through Congress. The president was barely able to cajole enough House Republicans into supporting a Medicare prescription drug benefit in 2003 when he argued it was needed for his reelection. He no longer has that argument. What could doom Social Security reform is increasing payroll taxes. Bush says he won't do that. But neither he nor his aides have ruled out raising the ceiling on income subject to payroll taxation, currently at $87,900. The president says he refuses to "negotiate with himself" on the precise terms of Social Security legislation. Thus he's been "deliberately mushy" on the tax ceiling, an aide says.

In an otherwise attractive compromise on Social Security, a small hike in the ceiling—to, say, $92,700—may be acceptable. But anything more than that is likely to drive away House Republicans and kill reform. The pressure to raise the ceiling much higher will be enormous. AARP wants a $140,000 cap (with no investment accounts). Republican senator Lindsey Graham of South Carolina has proposed $200,000. Let's be clear about one thing: Raising the ceiling constitutes a tax increase. Bush's record in resisting tax hikes has been exemplary. Still, we worry.

Finally, there's the deficit. The president has promised to cut the deficit in half by the end of his second term. This is a noble goal, and one of Bush's most admirable traits is that he keeps his word. But while cutting the deficit is important, it shouldn't be the top priority. Reagan succeeded by elevating tax cuts and defense spending over deficit reduction. In Bush's case, overemphasis on the deficit is already pinching defense spending and preventing the adoption of the one worthwhile proposal of the Kerry campaign, adding 40,000 troops in two new Army divisions.

Neither frugality nor tax hikes will eliminate the deficit. It fell $103 billion from the projected level in 2004 largely because of an aroused economy. Growth was the key in the Clinton years as well—to the surprise of Clinton's own economic team. The best recipe today for deficit reduction is an economy stimulated by permanent tax cuts and tort reform. That won't help attract Democrats to Social Security investment accounts, but neither will tax increases or austerity.

President Bush's eagerness to carry forward the conservative revolution in Washington begun by Reagan is all to the good. Our worry is that a few missteps might deny him the success that is now within his grasp.

—Fred Barnes, for the Editors

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What a Tangled Web We Weave . . .

When we pursue policy objectives through tax loopholes. BY ANDREW FERGUSON

DISCOUNTING for an underwater earthquake that sent 40-foot-high waves traveling thousands of miles across the open sea to inflict death and destruction on an unimaginable scale, it was kind of a sleepy holiday for the Washington political community, newswise. So you can understand the titillation that shimmered through the capital when the local paper announced, a few days after Christmas, that President Bush might delay his plan to "simplify" the tax code! "Bush Expected to Delay Major Tax Overhaul," said the headline in the *Washington Post*. At last there was something else to talk about on *Inside Politics*.

Really, though, no one should have been surprised. There was always something mysterious and unaccounted for about President Bush's pledge to make tax simplification a top item on his agenda. He first made this pledge in his acceptance speech at the Republican National Convention in August last year. Big, important speeches like that need a theme, also known as a "vision for the future," and thus tax reform was presented as part of the president's wide-angle belief that "many of our most fundamental systems . . . were created for the world of yesterday, not tomorrow." Therefore, he said, "we will transform these systems." The president sees himself as a modernizer. In particular, "the current tax code is a complicated mess—filled with special interest loopholes." After the applause had died down, he went on: "In a new term, I will lead a bipartisan effort to reform and simplify the federal tax code."

In all the excitement generated by the unveiling of so ambitious an agenda (you knew it was ambitious because the commentators kept telling us it was ambitious) a few things were overlooked. For example, one paragraph before he promised to simplify the tax code, the president had promised to make our country "less dependent on foreign sources of energy." And two paragraphs after that, he promised to attract new businesses to poor communities by creating "American opportunity zones." And two paragraphs after *that*, he promised to "give workers the security of insurance against major illness." Then he promised to encourage the construction of "seven million more affordable homes in the next 10 years," and then he promised to make it easier for everyone to go to college.

Republicans may not admit their attachment to a complex tax code, but it's real enough, and it is both philosophical and practical.

Then he started talking about the war on terror, so no one had a moment to stop and consider that the way in which the president was going to modernize all these systems—the way he was going to do all this attracting and encouraging and security-giving—was by inserting exemptions and credits and deferrals into the tax code; by complicating the tax code, in other words, rather than simplifying it. For a modernizer, this seems pretty old-fashioned.

The confusion will be particularly acute for those of us who, waving away the mists of senile dementia, recall the federal government's last tax reform in 1986. Though pushed through by an oddball coalition of New Deal liberals (Dan Rostenkowski) and Rockefeller Republicans (Robert Packwood) and supply-side tax-cutters (Jack Kemp), the 1986 reform is best understood as a creature of Reaganism. Republicans back then claimed to despise what they called "social engineering," and especially the schemes, instituted in the tax laws, designed to force citizens into certain kinds of behavior. Their ideal instead was a neutral tax code, drained of favoritism and preference, leaving a system that treated all citizens alike. By closing loopholes—eliminating exemptions, canceling credits—reformers could broaden the pool of taxable income and, in compensation, push marginal income tax rates as low as they could feasibly go.

And sure enough, the reform that Reagan signed in 1986, for all its idiosyncrasies and concessions, did indeed simplify the tax code. To a startling extent, it cleansed the federal tax laws of social engineering. It was a miracle of modesty in government.

It was also a long time ago. Reaganism, along with the political party that institutionalized it, is deader than the Dodo, as Bush's acceptance speech, and the rousing reception it received, demonstrated. Republicans today may not admit their attachment to a complex tax code, but it's real enough, and it is both philosophical and practical. In the Reagan years, idealistic Republicans declared war on the K Street lobbyists who haunted "Gucci gulch," the marbled hallways adjacent to hearing rooms on Capitol Hill, where the hired guns would pressure lawmakers with unsavory requests for favored clients. Now those K Street lobbyists are just as

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likely to be ex-idealistic Republicans —indeed, often ex-Capitol Hill staffers (or even ex-congressmen) who importune their ex-bosses for special treatment for the clients that pay them lots of money to do that. And the favors, more often than not, are delivered by monkeying around with the tax code.

Coincidentally, since 1987, Republicans have also enjoyed the rise of "big government conservatism"—the philosophical lodestar for people who really like living in Washington and working for the government (or having the government work for them) while calling themselves conservatives. Republicans no longer disparage "social engineering"; in government as elsewhere, modesty is for chumps. In the proper hands—theirs—government now can be an instrument for advancing whatever ends or interests are considered desirable or lucrative at any given moment. This was the philosophy behind Bush's speech, and behind the 2004 Republican party platform, which offered the president's domestic policy in detail.

I fished out a copy of the platform the other day. The ambition of the big-government conservative begins on the very first page, and it goes on and on and on, with calls for: expanding education IRAs for college, making prepaid tuition plans tax-free, creating new deductions for higher education expenses, reinstating the D.C. homebuyer's tax credit, increasing the adoption tax credit, increasing the child care tax credit, quadrupling business expensing exemptions, extending tax rules for employer-sponsored retirement plans, creating Lifetime Savings Accounts, instituting Employer Retirement Savings Accounts, adding exemptions for Zero Downpayment Mortgages and nonprofit organizations involved in the Self-Help Homeownership Opportunities program, enacting a Single-Family Affordable Housing Tax Credit, changing rules on expensing for research equipment, enacting health savings accounts, creating new tax incentives for low-premium, high-deductible health-insurance plans for small businesses, extending tax deductibility to insurance premiums associated with the above-mentioned health savings accounts, making the research and development tax credit permanent, reorganizing the Alternative Minimum Tax, implementing the National Energy policy which will create incentives for energy efficiency including providing an investment tax credit for Combined Heat and Power projects, a tax credit for marketing fuel-efficient vehicles like the one all those Hollywood movie stars drive (not the Hummer), a "temporary, efficiency-based income tax credit lasting from 2002 through 2007" for purchasing hybrid fuel cars, tax incentives for private-sector investment in Intelligent

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Transportation Systems, augmenting the ethanol excise tax exemption, adding "tiers" to the tax credit for new landfill methane projects, extending tax credits for electricity made from wind, extending tax credits for electricity made from biomass including the per-kilowatt hour tax credit for biomass combined with coal-fired electricity, I get paid by the word, offering a "tax credit to help workers if they have lost their jobs due to international trade," instituting a new 15 percent tax credit for residential solar energy projects (but only up to $2,000 per fiscal year, to discourage treehugger greed), enlarging the Internet Access Tax moratorium, supporting the Nuclear Power 2010 program that makes financing for the construction of nuclear power plants tax free, extending credits for use of biodiesel technologies, extending new education savings accounts for use in kindergarten (!) and grade school, *if you're still reading this* you're probably a Democrat, offering "tax relief" for teachers who get training, establishing tax-free Personal Reemployment Accounts for Americans returning to work, providing tax relief for companies in the 11 government-credentialed "high growth" industries who participate in the High Growth Job Training Initiative, creating an "above-the-line" tax deduction for premiums of long-term care insurance, adding a personal exemption for an old person under in-home care, revising earning criteria to recalculate the taxation rate of worker's pension payments . . . but I'm tired and I want to stop typing now.

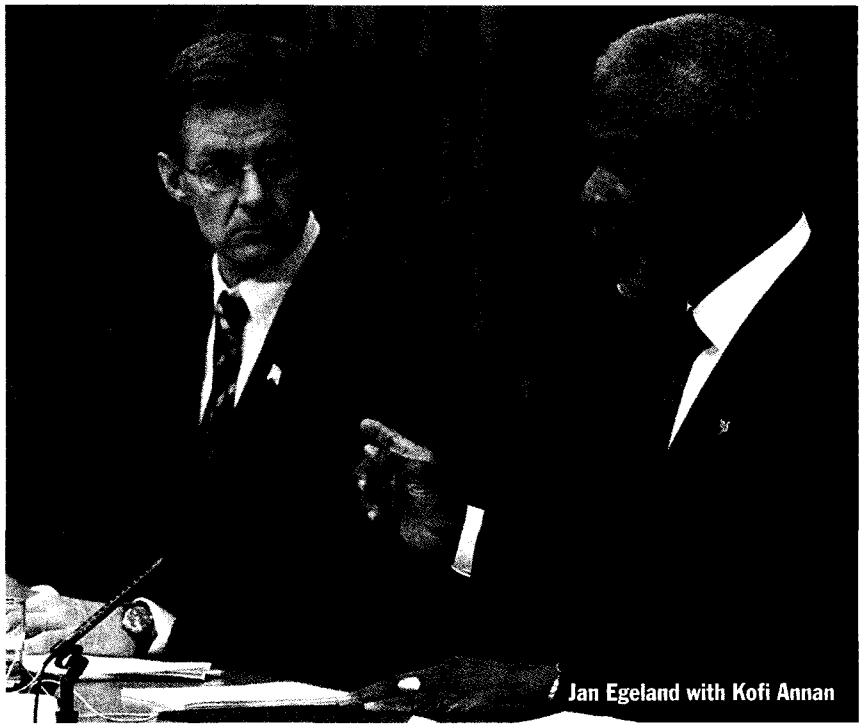
Oh, and one other thing: "The federal tax code is dysfunctional," says the platform. "Instead of being simple, the current tax system is needlessly complex. . . . Tax reform is necessary to achieve the simplicity, efficiency, fairness and predictability that the American people deserve, and to give all Americans the freedom to determine their own spending priorities."

The American people demand nothing less. ♦

Relief Pitcher

Meet the U.N. official who called us "stingy."

BY MATTHEW CONTINETTI



Jan Egeland with Kofi Annan

EPA / Landov / Jason Szenes

A NORWEGIAN DIPLOMAT, Jan Egeland, is the United Nations' undersecretary general for humanitarian affairs and chief emergency relief coordinator. Egeland has worked at the U.N. since June 2003. He lives in Midtown Manhattan with his wife and daughters, and he has written many books and articles. For the most part, he has worked in semi-obscurity—until the great tsunami struck Sri Lanka, Indonesia, India, Thailand, Burma, Somalia, and elsewhere, and washed hundreds of thousands of lives away in a few horrible moments.

According to the *New York Times*, Egeland first heard of the tsunami early that morning of December 26. When the phone rang with news of the disaster, he began holding press conferences. In times of crisis, a commanding voice can soothe fraying nerves. But Egeland veered off topic in his December 27 briefing, starting his *own* foreign policy crisis. "We were more generous when we were less rich, many of the rich countries," he said. "And it is beyond me why we are so stingy, really, when we are—and even Christmas time should remind many Western countries at least how rich we have become. And if actually the foreign assistance of many countries now is 0.1 or 0.2 percent of their gross national income, I think that is stingy, really. I don't think that is very generous."

The lecture was only beginning.

"And I have an additional point," Egeland said. "Politicians do not understand their own populations, because all the populations in the United States, in the European Union, in Norway, which is number one in

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the world, we want to give more as voters, as taxpayers. People say we should give what we give now or more. Politicians and pundits believe that they are really burdening the taxpayers too much, and the taxpayers want to give less. It's not true. They want to give more."

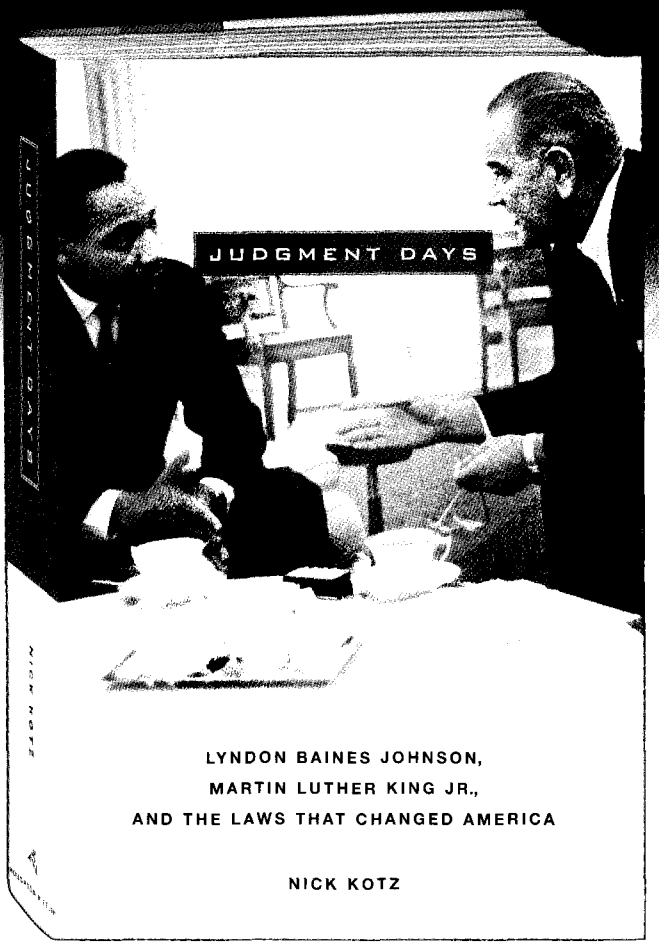
To a U.N. official like Egeland, such utterances are innocuous, even banal. It might not even have occurred to him that if taxpayers "want to give more," they don't have to wait for their governments to do it for them. (By last week, for example, private charitable donations by Americans for the relief effort amounted to an estimated $350 million.)

To the editors of the *Washington Times*, it seemed Egeland was biting the hand that feeds East River bureaucrats like himself. "U.N. official slams U.S. as 'stingy' over aid," ran that paper's breathless front-page headline. The article underneath began: "The Bush administration yesterday pledged $15 million to Asian nations hit by a tsunami that has killed more than 22,500 people, although the United Nations' humanitarian-aid chief called the donation 'stingy.'" Other papers followed the *Times*'s lead. Egeland was famous.

The backlash was swift and fierce. "The United States is not stingy," said Colin Powell. "We are the greatest contributor to international relief efforts in the world." A reporter read Egeland's quotes from the *Washington Times* story to President Bush and asked for his reaction. "The person who made that statement was very misguided and ill-informed," the president replied. On cable TV and in the op-ed pages various pundits used the occasion to harrumph and gesticulate. Egeland was forced to apologize. He said he never meant to criticize America. He said he never meant to conflate foreign aid with disaster relief.

He had a point. Look at the transcript, and one sees that Egeland refers to "we," or to the "rich countries," or to the "populations" of the United States and European Union. He isn't singling any country out. Nor, when he uses the word "stingy," is he talking

TWO GIANTS, OPPOSITE IN EVERY WAY, BUT TOGETHER THEY CHANGED AMERICA.



Pulitzer Prize-winner Nick Kotz draws on a wealth of newly available sources—from Johnson's taped conversations to FBI wiretap logs—to offer the first full account of their surprising relationship in those momentous times.

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about the tsunami. He's just specified that he's referring to "foreign assistance in general." Egeland was taken out of context.

It is Egeland's context, however, which deserves a closer look. Indeed, an examination of his career brings home a simple lesson: If you need shipments of food and clean water, emergency deployment of medical professionals and facilities—the hard infrastructure of disaster relief—it turns out that real world powers (notably the United States and Australia, in the present case) are still where you have to turn.

Egeland, you see, is the very model of a modern multilateralist. In high school, he worked for Amnesty International. When he was 19 years old he went to live with an Indian tribe in Colombia. He was a talented student and received a Fulbright scholarship to Berkeley, where he wrote a thesis contrasting U.S. and Scandinavian diplomatic models.

The thesis later became a book, entitled *Impotent Superpower, Potent Small State: Potentials and Limitations of Human Rights Objectives in the Foreign Policies of the United States and Norway*. Despite the title, it flopped. "As an academic work, it was no good," the Norwegian historian Geir Lundestad told the *Christian Science Monitor* in 2000. "But much more important was the fact that Egeland believed it, and he used it as a basis for his activism."

That activism led to a career in Norwegian politics. Egeland rose to prominence in the Labor party and landed the number two position in the foreign ministry. In September 1992 he proposed that Norway become the intermediary between the Israelis and Palestinians, which led, through many twists and turns, to the Oslo accords. At Egeland's urging, the Norwegian government smuggled representatives from Israel and the PLO into the country, where negotiations would take place. "We gave them, you know, a safe haven for—for talks with absolute discretion and with a—with a trusted, cozy atmosphere by the fireplace into the night if they wanted," Egeland said in 1993. It was his first peace process.

Eventually, of course, it broke down. Throughout the 1990s, often at Egeland's behest, Western governments would hand money over to Yasser Arafat, who would promptly turn around and use what money he didn't keep for himself to finance the intifada. This didn't change Egeland's view of Arafat's politics. "There still are only two real democracies in the Middle East," he said in 1996. "One is Israel and the other is the Palestinians."

Spurred on by Oslo, Egeland next

Michael Ramirez

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set his sights on Guatemala, which had been in a civil war for decades. In December 1996 the government there signed a peace accord with rebel guerrillas, and the ensuing peace has held. Looking back over Egeland's long career as a peacemaker, Guatemala remains his one success. "We are involved in many peace situations," Egeland told the Glasgow *Herald* on the eve of the Guatemala accords. "Some will remain secret forever, some will never be successful, but in Norway we are certain we want to invest our venture capital in the effort for peace."

Egeland invested in a lot of places. Here is a partial list of the countries where he has intervened, only to see his efforts end in more violence: Zaire, Uganda, Burma, Cuba, East Timor, Afghanistan, . . . the list goes on and on. Indeed, for a time in the 1990s Egeland was the Forrest Gump of post-Cold War diplomacy, always showing up at the hot spot of the moment. His fellow Norwegians eventually tired of all this peacemaking, however, and in 1997 threw the Labor party out of power and Egeland out of a job. He was undeterred. "I guess you could say I'm going to be a freelancer for peace," he told the Associated Press.

Egeland's big break as a freelancer came in 1999, when U.N. Secretary General Kofi Annan named him "special adviser to the secretary general on international assistance to Colombia." His mission: End the civil war pitting the Colombian government against the left-wing FARC. It was a tall order, but a *New York Times* profile at the time said Egeland "has emerged as a trusted intermediary between the Colombian government and left-wing guerrilla groups."

Yet Egeland spent most of his time on the job lowering expectations. "We have no formal third party role vis-à-vis the Colombian conflict, nor are we seeking one," he said. And he went on: "It may be premature to say that we are facilitating any kind of peace process because none of the parties have asked anyone to really play that kind of an activist role."

And Egeland was right. Four years later, he would tell reporters that Colombia was "the biggest humanitarian problem, human rights problem, the biggest conflict in the Western hemisphere." By then, of course, he had been promoted—not once, but twice, first to head the Norwegian Red Cross, then to his current post as U.N. undersecretary general for humanitarian affairs.

His record at the U.N. has been mixed. On the plus side of the ledger, Egeland campaigned against U.N. withdrawal from Iraq after the August 2003 bombing of the U.N. offices in Baghdad. And he spent much of 2004 drawing attention to the crisis in Darfur, going so far as to call the Islamist Sudanese government's war against Christians and animists "ethnic cleansing." (The U.S. government has classified what is taking place in Darfur as "genocide.")

Egeland's first major crisis on the job was the earthquake in Bam, Iran, in late 2003. At the time, Egeland held many meetings, and announced that donors had pledged an unprecedented amount of aid. Nevertheless, according to Egeland's own agency, 155,000 Iranians still live in "tents or temporary shelters" one year later.

So it is worth asking what exactly a chief U.N. relief coordinator spends his time coordinating. "I wish I knew the answer," Joshua Muravchik, who studies the U.N. at the American Enterprise Institute, told me. "They often say they are 'coordinating' the efforts of others. What this consists of . . . I wonder."

Perhaps Egeland, who did not return phone calls for this article, has the answer. Perhaps someone should ask him. He is not hard to find. Just look wherever there is trouble, and there he'll be—planted firmly in front of the nearest available television camera. ♦

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The Perils of Putin

The Russian president's second term disaster.

BY ANDERS ÅSLUND

RARELY HAS A PRESIDENT, successful in his first term, collapsed so totally in his second term as Russia's Vladimir Putin did in 2004. Alberto Fujimori of Peru might offer the closest parallel, with Carlos Menem of Argentina another contender.

For four years, starting with his election in 2000, Putin seemed to have nothing but good fortune. Russia saw substantial and far-reaching reforms, including radical tax reform with a flat income tax of 13 percent, the legalization of private ownership of land, judicial reform, labor market reform, and pension reform. The economy boomed, growing 6.5 percent a year. Abroad, Putin pursued a realist policy, trying to be useful to others, like the United States, while safeguarding Russia's national interests.

Still, ominous signs were never altogether absent. Putin kept extending his political control, and he promoted a small group of fellow KGB officers from St. Petersburg far beyond their competence. Fortunately, their rising power was balanced by that of the big businessmen known as the oligarchs, leaving policy to be guided by a few reformers in key government positions, notably Minister of the Economy German Gref and Minister of Finance Alexei Kudrin. By playing the equally unpopular KGB and oligarchs off against each other, Putin successfully appealed to a broad Russian public, gaining an unprecedented approval rating.

Then in the past year everything changed. Putin's loss of stature has been defined by three signal events: the confiscation of the oil company Yukos, the state's failure to respond to the Beslan hostage drama in the Northern Caucasus in September, and Putin's palpable interference in the Ukrainian presidential election.

Putin's winning streak ended with the arrest of Mikhail Khodorkovsky, the principal owner of Yukos, on October 25, 2003. The key motives were to enlarge Putin's political control and grab assets. The arrest scared Russia's businessmen out of politics. All countervailing sources of power were eliminated or curbed. Suddenly, Putin was governing on behalf of himself and a narrow circle of KGB officers.

In hindsight, Putin's concentration of power appears both systematic and deliberate. First, he subdued the media. Then he took out the oligarchs, of whom Khodorkovsky was the third to be eliminated. Then, partly by manipulating the electoral process, he finagled the removal or marginalization of the admittedly corrupt regional governors. With the economy booming and the president's control of the bureaucracy and the media firm, his United Russia party won a two-thirds majority in the Russian State Duma in December 2003. Then in March 2004, Putin himself was reelected with over 70 percent of the votes. These elections were deemed free but not fair. Russia's repression may not be severe, but it is effective. Potential opposition figures are coopted or marginalized rather than arrested.

Putin's key weakness is an insatiable appetite for political control. He has even replaced his strong first-term chief of staff and prime minister with two individuals famous for their indecision. This leaves all decisions to the president, but he himself is not very decisive. As a result, his administration is all but paralyzed. In addition, all information is manipulated by the security services, and most feedback mechanisms have been dismantled.

On top of everything else, Putin has proven himself extremely stubborn. Once he has finally chosen a course of action, he will not change it even to correct a mistake. His failed policies on Chechnya and Yukos are cases in point. Indeed, all three big developments of the past year illustrate how dysfunctional Putin and his government have become.

The Yukos affair boils down to confiscation by means of arbitrary taxation at the behest of kangaroo courts. In one blow, Putin made a joke of both his radical tax reform and his enlightened judicial reform. He also threw out the successful Anglo-American economic strategy based on competing private resource companies that he had inherited from Boris Yeltsin. And, even as he indulged his desire to humiliate the independent-minded Khodorkovsky, his KGB men were striving to seize assets for themselves through state enterprises.

Naturally, Russia's business leaders are asking who is next, and the tax authorities and prosecutors have made abundant suggestions to keep them on their toes. Who wouldn't scale back his investment plans, faced with such a prospect? Russia's previously high production and investment forecasts are steadily being downgraded because of the ever more uncertain business conditions despite the commodity boom.

The Beslan hostage drama was a great human tragedy, but it also afforded the Putin regime many black marks. The hostage-takers reached the school because of the extraordinary corruption of the security services. Amazingly, the government was totally passive during the crisis and told the public nothing but lies. On the third day, the locals had had enough, and attacked the school themselves,

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Reuters / Landov

Putin and his dog Conny greet children at a Kremlin New Year's party.

resulting in chaos and the loss of over 300 lives. Russians are excessively tolerant of state cruelty, but they have little patience with such a complete abdication by the authorities.

After the catastrophe, Putin did not sack any of the KGB appointees who had failed to act, refusing to hold them accountable. Meanwhile, his ill-advised policy on Chechnya continues unaltered and might destabilize a broader swath of the Caucasus.

Finally, late last year, Ukraine held its presidential election. From the outset, a showdown loomed between the pro-democratic candidate Viktor Yushchenko and the oligarchic ex-convict, Prime Minister Viktor Yanukovich. All opinion polls suggested a significant majority for Yushchenko in an honest election.

In his most spectacular failure to date, President Putin injected himself into this campaign, twice going to Ukraine to stump personally for Yanukovich. Russian businesses were compelled to put up some $300 million for the Yanukovich campaign, according to allegations from the Yushchenko camp. Putin congratulated Yanukovich on his victory despite palpable fraud. In the Ukraine matter, Putin showed himself ill-informed, antidemocratic, anti-Western, and ineffective.

It should come as no surprise that Yukos, Beslan, and Ukraine were hardly freak accidents. Instead, they were the fruit of Putin's extreme centralization of decisionmaking, his systematic use of disinformation, and his abolition of all corrective mechanisms, compounded by great personal stubbornness.

Like Mikhail Gorbachev in 1989, Putin has drained all power out of the formal institutions of government. His legitimacy resides only in his popularity, which will inevitably crumble after he has alienated most elites and paralyzed his government. The Putin regime has too narrow a base and is too ineffective to last. Although it is hard to predict how fast it will collapse or what will replace it, the regime is likely to unravel sooner than anybody now dares to suggest.

Putin's weakness is purely political and does not affect the economy much. But regime change can occur in the midst of an economic boom, as we have just seen in Ukraine. The problem is that the current regime is not viable, and its inherent shortcomings are aggravated with each turn of events.

This analysis of the weakness of the Putin regime has serious implications for U.S. policy toward Russia. First, realistically, the regime will probably end rather soon. Second, especially on the security side, with so poorly informed and ineffective a leader, Russia can perform few services useful to the United States. Third, Putin showed himself in Ukraine to be both antidemocratic and anti-American, leaving little common ground with the United States. Fourth, Putin has demonstrated a rare inability to learn from his mistakes. The only good news is that Russia is too weak to be a threat.

Ironically, Putin is forcing U.S. policy toward Russia to come full circle, back to where it was in the late Soviet period. Once again, the United States must manage the decline of a mildly authoritarian regime armed with nuclear weapons. It should be possible to do this without causing any great harm, but we should harbor no illusion that this colossus with feet of clay will stand up and fight with us in the war on terror. ♦

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Zimbabwe's Diaspora

How do you solve a problem called Mugabe?

BY ROGER BATE

Harare, Zimbabwe

THE DIASPORA of Zimbabweans into neighboring states is substantially worsening the AIDS problem in southern Africa. African leaders have been reluctant to address this politically induced humanitarian disaster, but their own populations are now further threatened with disease. To act, regional leaders need support from the international community, which is trying to combat the AIDS pandemic. Business as usual is no longer an option. Unless political stability is restored in Zimbabwe and the refugees go home, all efforts to control the AIDS epidemic in the region may be worthless.

Robert Mugabe, the only president Zimbabwe has ever known, is the last "hero" of the African struggle for independence still clinging to power. Adored by most Africans for the past, he is despised by many of his countrymen for the present.

Mugabe came to power in 1980, and ever since has ruled with an iron fist. Since 2000, he has politicized the distribution of food, banned independent media, thrown nearly every white farmer off the land, and established a Hitler youth movement known as the Green Bombers. The fledgling opposition party, the Movement for Democratic Change, probably would have won the 2002 election had it been fair; instead the opposition has been intimidated into virtual silence.

The economy has halved in value over the past five years. With inflation rampant, bank notes are printed on only one side and carry an expiry date. Unemployment is over 80 percent. Food production in 2004 was less than half that of 2000; it is forecast to be 15 percent of normal this year. And while President Mugabe says everything is fine, the World Food Program reports that over 5 million people out of a population of maybe 11 million are short of food—and it is impossible to know how many Zimbabweans have left the country and how many remain.

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Much media coverage has focused on the 4,500 white farmers and their families who have fled Mugabe's reign of terror. While this has probably cost the country 25 percent of its foreign exchange earnings, an even greater danger to the region is the ill health of the black diaspora.

Twenty years ago, life expectancy in Zimbabwe was 58; in 2002 it was 33 and dropping. The official HIV/AIDS rate in 2002 was about 27 percent (the third highest in the world), but the real rate is probably much higher.

Dr. Mark Dixon from Mpilo Hospital in Bulawayo says that 70 percent of the patients he treats for any reason carry the HIV virus. A possible explanation for this extraordinary number is the high incidence of unprotected sex (usually rape) in Mugabe's youth camps. The president established these camps ostensibly to reorient the education sector, but according to all the Zimbabweans I spoke with during a week in the country this fall, including a couple who had escaped from the camps, their real purpose is to indoctrinate young men and women against the opposition party and white people.

The worst cases of AIDS are tragic; the sufferers have no drugs and no future. Many are too sick to travel and seek treatment abroad. The only good thing about this is that they won't carry the virus elsewhere. Younger HIV-positive Zimbabweans, who are generally healthy though malnourished, leave if they possibly can. This is exactly the age group that carries the highest HIV burden, and they take the virus with them wherever they go. According to Amnesty International, Zimbabwean refugees are constantly abused in transit and where they end up. Since they are not recognized as legitimate asylum-seekers, they live illegally doing such dangerous jobs as they can get. No neighboring state acknowledges the despotism of the Mugabe regime, so none accepts these migrants as political refugees. Peril awaits the majority, with many women lured into prostitution.

A few are lucky enough to reach safe havens, places like Bishop Paul Verryn's church in downtown Johannesburg, where I met some of the 35 refugees who live there and sell wares to parishioners and passersby. But most of the estimated 2 to 3 million Zimbabweans in

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South Africa lead an existence that is nasty and brutish, though not short enough to prevent transmission of HIV. To make matters worse, some of the Zimbabwean strains of HIV are probably resistant to drugs that were used in trials in Zimbabwe.

Even so, South Africa, with its 42 million people, is perhaps big enough and rich enough to accommodate these Zimbabwean neighbors. Other countries are not so well placed. According to figures from nongovernmental organizations working in the region, Botswana, with just over a million people, now probably hosts more than 200,000 illegal Zimbabwean immigrants. The influx has caused terrible strains, leading to conflict, rape, and the possibility of increasing the HIV rate from an already staggering 38 percent. As a result, President Festus Mogae of Botswana has been the most outspoken southern African critic of the Mugabe regime. The AIDS situation in other nearby countries is unclear, but given the time lag for HIV to take its fatal toll, the Zimbabwean influx will make the problem worse.

Years ago white, tobacco-growing farmers were the first to leave Zimbabwe. Now the young, skilled, and black are leaving too. Yet even so, few non-Zimbabweans, especially political leaders, will openly criticize Mugabe.

This vacuum leaves it to the international community to act on the Zimbabwean catastrophe, as it has acted in Darfur. It's not too late—the refugees I spoke with would like to return home, but given the beatings and torture, they never will while Mugabe is president.

An African solution is needed. Only South African president Thabo Mbeki has the clout to provide it. With Western help, an exit strategy for Mugabe could be devised. And with Western pressure, a message could be driven home: that all of Mbeki's talk of an African Renaissance of democracy is worthless if South Africa tolerates the dictatorship on its northern doorstep. ♦

Fighting the Wrong War

What Rumsfeld's defenders don't want to admit.

BY FREDERICK W. KAGAN

CONSERVATIVES HAVE been inclined to defend Secretary of Defense Donald Rumsfeld because many of his critics oppose him for executing a war they don't like, or because these critics' true target is a president they despise. It is quite possible to support President Bush and the war in Iraq and still find fault with Rumsfeld, however. Indeed, some of us find fault with Rumsfeld precisely because we do support the president and the war.

Rumsfeld has much to recommend him, to be sure. He took firm control of a Pentagon that was largely drifting and gave it clear direction. He focused on the importance of military transformation and made it a going concern rather than a conversation piece, as it had been for much of the Clinton presidency. When the nation was attacked, he oversaw two successful military operations in response.

But Rumsfeld has much to answer for, as well. Claims that there are no serious problems with military policy in Iraq and Afghanistan, or with the equipment our soldiers have, or with the number of troops available, are childish and damaging to efforts to identify and solve real problems.

Rumsfeld's defenders are now deflecting all criticism from him onto the Clinton administration, Congress, and the military service chiefs. Take the most serious criticism leveled at Rumsfeld—that he has refused to expand the American military in order to enable it to deal with the strain the current missions are imposing upon our men and women in uniform. The chief of the Army Reserve, in a December 20 memo leaked last week, warned that the Reserve "is rapidly degenerating into a 'broken' force." Rumsfeld's defenders assure us he is not responsible. Only Congress can approve an increase in military end-strength; Rumsfeld has never opposed increasing the armed forces; more troops in Iraq wouldn't help anyway. These are the arguments deployed in behalf of the secretary of defense.

Unfortunately, they are evasions. It is of course true that the military underwent a dramatic reduction starting at the end of the Cold War under the first President Bush. The pace of that reduction accelerated during the Clinton years, and by the mid-1990s some of us were already warning that it had gone too far. By 1996, the military had reached its current size, a modest increment below the reduced strength Bush I had originally called for.

George W. Bush took office declaring that "help is on the way," however, and military observers hoped that meant an increase in defense budgets and force sizes. Defense spending has increased, to be sure, although the huge bulk of the increase went to paying for transformation and for the wars in Iraq and Afghanistan. There has been no significant increase in the size of the military. According to the Department of Defense Annual Report of 2004, the Active Army rose from 482,170 men and women in 2000 to 488,640 in 2003, while the Total Army (including the National Guard and Reserves) fell from 1,208,642 in 2000 to 1,176,223 in 2003. Although

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the actual strength of the force is somewhat higher than these authorized figures (there are perhaps around 500,000 in the Active Army today), that increase is temporary and is due in part to a policy of preventing certain soldiers and officers from leaving the force when they wish to do so. In no sense can Rumsfeld claim to have rushed aid to the Army in any way that is helpful in the current crisis.

He has, in fact, consistently and vociferously opposed congressional attempts to offer such aid. In February 2003, he declared, "we will come back and ask for an end-strength increase at any moment that we believe it is in the interests of the armed forces. At the present time we do not have evidence that suggests that's the case." In October 2003, he discouraged Congress from "going into the taxpayers' pockets for a 10,000-person increase, when there's no analytical work that supports it." He added, "Those who argue that the end-strength should be increased, I think, have an obligation to say, 'Where do you want to take the money out of?' What are we going to take it out of? If you increase the Army end-strength by 10,000, are you going to take it out of the Navy or the Air Force or the Marines? Are we going to take it out of research and development and our future? Are we going to take it out of the future combat system or the helicopters or whatever?" In January 2004, he explained, "A permanent increase in end-strength would require cuts elsewhere in the defense budget . . . crowding out funding for various types of transformational capabilities that can allow us to do more with the forces that we currently have." In September 2004, he added, "We have not supported an [increase] in permanent end-strength by statute. . . . And the reason for that, very simply, is we don't need to do that."

In each case, Rumsfeld has added that he would support an increase in end-strength if it were needed, but that he saw no need for it. He has argued consistently that it would be better to "rearrange" the active and reserve components of the Army, and he has argued for increasing use of civilian contractors to free up soldiers for combat duties. While claiming that a permanent increase in end-strength would take too long to complete to be useful, he has admitted the obvious—that "rearranging" the Army, active and reserve, is also a process that takes many years. He has not admitted another obvious problem with this approach—that the civilianization of military positions has increased the number of contractors in a combat zone where the enemy specializes in kidnapping and beheading people unable to defend themselves.

The civilianization of military positions has increased the number of contractors in a combat zone where the enemy specializes in kidnapping and beheading people unable to defend themselves.

Congress has not been the problem here. Nor is it fair to blame Clinton entirely for this problem. Clinton downsized the military excessively, to be sure, and left an Army obviously too small for the missions it faced. But Rumsfeld has been in office for four years. If he had begun to address this problem four years ago, the Army could have been considerably expanded by now.

Neither is it true that more troops would not have helped the situation in Iraq. Victor Davis Hanson, the most eloquent of Rumsfeld's defenders, claims that "offensive action, not troop numbers alone, creates deterrence; mere patrolling and garrison duty will always create an insatiable demand for ever more men and an enormously visible American military bureaucracy." But troop numbers on the ground make offensive action by some of them easier to order. More significantly, the Iraqi insurgency is so weak that the rebels dare not face our troops in open combat. They are not centrally organized. Offensive action in the traditional sense, therefore, is virtually impossible. Patrolling, garrison duty, and training Iraqi military forces alone can win this conflict. This takes boots on the ground.

With more troops in Iraq during and immediately after the war, we would have been able to do the following things that we did not do:

- Capture or kill thousands of Iraqi soldiers who were at that time still concentrated in combat units and had not yet melted back into the countryside with their weapons and their skills.
- Guard the scores of enormous ammunition dumps from which the insurgents have drawn the vast majority of their weapons, ammunition, and explosives.
- Secure critical oil and electrical infrastructure that the insurgents subsequently attacked, setting back the economic and political recovery of Iraq.
- Prevent the development of insurgent safe havens in Najaf and Falluja, or at least disrupt them at a much earlier stage of formation.
- Work to interdict the infiltration of foreign fighters across Iraq's borders.

If the U.S. Army had begun expanding in 2001, we would have been able to:

- Establish reasonable rotation plans for our soldiers that did not require repeatedly extending tours of duty beyond one year.
- Avoid the need to activate reservists involuntarily.
- Dramatically reduce the frequency with which soldiers return from one year-long tour only to be sent immediately on another.
- Let the troops that would still have been overstrained know that help really was on the way.

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The U.S. military did not do these things because of Rumsfeld's choices. He chose to protect a military transformation program that is designed to fight wars radically different from the one in which we are engaged. He chose to protect Air Force and Navy programs that are far less urgent and under far less strain during the current crisis rather than augmenting the service carrying the lion's share of the load. He chose to focus on high-tech weapons technologies that are virtually useless to the troops now in Iraq rather than providing them sooner with the basic requirements of their current mission—including armored Humvees, body armor, and a regular complement of armored vehicles. Even the deployment of Stryker light armored vehicles, which many now tout as a major contribution to the fighting in Iraq, was not Rumsfeld's initiative, but that of General Eric Shinseki. Shinseki was the Army chief of staff whom Rumsfeld drove out of office, partly for correctly predicting that Operation Iraqi Freedom would require more than the handful of units that Rumsfeld and his staff were willing to send.

It is not that Rumsfeld's decisions were without a rationale. The secretary of defense simply chose to prioritize preparing America's military for future conventional conflict rather than for the current mission. That position, based on the hope that the current mission would be of short duration and the recognition that the future may arrive at any moment, is understandable. It just turns out to have been wrong.

Hanson reminds us that American forces in World War II, and in many other conflicts, had to fight with imperfect weapons and under imperfect conditions. All quite true. But in no previous American war has the chief of the military administration refused to focus on the war at hand, preferring programs that could not help soldiers then in the fight to survive and win. Even Robert McNamara, engaged in a "sideshow" war in an otherwise irrelevant theater, did not imagine that he could focus his efforts on preparing to meet the Red Army in the Fulda Gap at the expense of supporting our troops in Indochina.

Rumsfeld's attitude has already led to a series of mistakes that have made a difficult situation more difficult. It has put the administration on the defensive about its conduct of a policy that is vital to America's national interest. It has distracted attention from the problem of winning the current war—our most important priority today bar none. These problems don't result from the liberal media or the antiwar crowd making a ruckus about nothing. They result from Rumsfeld's stubborn adherence to a wrongheaded policy. Surely, with the election safely over, there is no longer any need to protect the architect of these mistakes. ♦

Michael Ramirez

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Saudis & Tsunamis

Not everyone worked together to help the earthquake victims. BY PAUL MARSHALL

DESPITE A FEW PLAYS for political advantage, here and abroad, the world's response to the Indian Ocean tsunami has been heartening. With few exceptions, the vast majority of people, countries, and religions are working together to alleviate human suffering. The big exception is radical Islamists, led by Saudi Arabia.

By January 6, Americans had pledged over $350 million in private donations, more than matching the sum committed by the U.S. government. The same compassion is shown elsewhere. In Vancouver, Canada, Buddhists are selling their temple to donate money to the aid effort. In Thailand, locals have given injured foreigners preference in access to hospital beds and surgery. The Foreign Ministry says, "We feel a special compassion for the people we consider our guests." In Sri Lanka, the Tamil Tiger guerrilla movement is working with government officials to provide relief.

The Russian town of Beslan, where Chechens massacred hundreds of children last year, has pledged a million rubles from the relief funds it received. Afghans have donated blood and are sending doctors with long experience of dealing with disasters. East Timor, still recovering from decades of brutal Indonesian military occupation, is donating $50,000 to Indonesia. Prime Minister Alkatiri says the gift is "our way of saying we are here as your friends when you are in need."

In India's Cuddalore area, most dead and injured are Hindu and Christian, and they are being aided by Muslim neighbors. Local leader Mohammed Younus emphasizes, "To the possible extent, we have been making sure that the Hindu bodies are burnt, and Christians are buried. They should not feel offended in death. . . . We will continue to raise money to feed them for as long as they need. They are welcome to be with us as long as they want."

It would be pleasant to end on this note, emphasizing that, as usual, most of the world's religious bodies are engaged in cooperative humanitarian work and, in so doing, are not, as some say, "putting aside" their religious differences, but instead are visibly demonstrating their beliefs. However, one religious movement shatters this general harmony—radical Islam, especially the Saudis.

The prominent Islamist website Jihad Unspun maintains the tsunami struck Thailand for supporting "the Christian crusaders in the war on terror," Sri Lanka for giving "its full backing to the Christian Crusaders inside the White House," India for its "Shirk (polytheism)," and Indonesia because "the Kufr (non-Islamic) government of the apostate Susilo Bambang Yudhoyono" is fighting against the "mujahideen" in Aceh who want to establish an "Islamic Sultanate where the Sharee'ah (Islamic laws) prevail." The website does not explain why Aceh, the most Islamist of any Indonesian province, suffered the worst damage.

The Middle East Media Research Institute—which posts excerpts from Arabic TV, with translations, at *memritv.org*—has provided a sampling of Saudi sermons on the same theme. Ibrahim Al-Bashar emphasizes that the countries that were struck "refrain from adopting Allah's law, which is a form of heresy." Sheikh Fawzan Al-Fawzan asserts, "these great tragedies . . . are Allah's punishments of the people of these countries, even if they are Muslims." Cleric Muhammad Al-Munajjid concludes that the tsunami was caused by Christian holidays "accompanied by forbidden things, by immorality, abomination, adultery, alcohol, drunken dancing."

These are not isolated rants by errant preachers: They reflect official government positions. Al-Bashar is an adviser to the Saudi justice minister, and Al-Fawzan is a professor at the Al-Imam Mohamed bin Saud Islamic University, a position that he, like Al-Munajjid, cannot hold without government approval. All their sermons were shown on the state-controlled Al-Majd TV channel and reflect the Wahhabi ideology that is the state religion of Saudi Arabia—and which the Saudis, flush with petrodollars, assiduously propagate around the world, including in the United States.

The same pattern is shown in Saudi government giving. Riyadh originally offered $10 million for tsunami relief; then, after international criticism, upped its pledge to $30 million. This sum is dwarfed by the $150 million per year the Saudis have given to the families of suicide bombers. Meanwhile, according to government websites, they spend billions funding 1,500 mosques, more than 200 colleges, and some 2,000 schools for Muslim children in Europe, North and South America, Australia, and Asia. Their aim is not to alleviate human suffering, or even Muslim suffering, but only to promote their version of Islam.

The tsunami tragedy shows once more that Islamist extremism does not seek freedom, democracy, or the alleviation of poverty. Its explicit goal is to advance enmity between Wahhabis and all others, and to create reactionary regimes ruled by a perversion of Islamic law. The extremists would remove a Muslim leader such as Mohammed Younus, and perhaps execute him for the "crime" of cremating Hindu bodies and placing crosses on the graves of Christian victims. Islamist extremism—an incubator not only of terrorism but also of universal hatred—is the enemy of all other beliefs. ♦

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Social Security Snares & Delusions

How not to squander political capital

By Irwin M. Stelzer

President Bush wants to reform the Social Security system. He is right to want to transform the system into one that meets the needs of an America whose economy and demography markedly differ from the day when Franklin Roosevelt put this safety net in place. He is right, too, to have decided to allow debate on the best way to accomplish this transformation to go on for a while longer before he commits himself to a particular set of proposals that would significantly change a system that many Americans have come to regard as the compassionate face of capitalism.

Some Democrats, predictably, have taken to the barricades to oppose any change, either out of an attachment to a system that represents one of their party's historic achievements, or out of sheer political calculation or spite. They are unlikely to be persuaded by whatever evidence is marshaled in support of change. But for now at least, even centrist Democrats, many willing to consider reforming the system, are lining up to oppose the president, as is the supply-side, deficits-don't-matter (or not very much) wing of his own party. Former House speaker Newt Gingrich and Jack Kemp are warning that the president's plan to "reduce benefits" could cost the Republicans control of Congress. And while most Republican senators and congressmen of course want to be with the president, they are nervous about facing political fire without at least a modicum of bipartisan support to provide "political cover." So far, that cover just isn't available.

Those of us who know that change is needed are hoping that the president's decision to delay specific proposals is not merely intended to give his staff more time to hone its presentational skills, but will permit a substantive debate that will, in the end, result in improvements to the plan now on the White House drawing board. For unless the president considers some important modifications of his plan, his crusade could become for him what health care reform was for Bill Clinton—at least a waste of energy and political capital, at worst a political debacle.

How could one reform Social Security in a way that could result in a financially sound system, stimulate economic growth, improve the fairness of the existing system, and gain support from all save the "no, not now, not ever" crowd?

Start with the reason most offered for reforming the system: that owing to the impending retirement of the nation's baby boomers, the system is on the brink of financial insolvency. Or, if not on the brink, headed toward it. That may be, but is not certainly, true: Some estimates show that taxes currently earmarked for the program, along with earnings on the Social Security Trust Fund (for our purposes let's assume that there is such a thing, rather than reopen the tiresome debate about the "lockbox") will cover outlays until 2028. Others put the date at which the current system will be unable to pay all promised benefits at 2042.

And possibly later. For one thing, if the economy grows more rapidly and efficiently than some predictions suggest, the current system might well prove capable of meeting all of its obligations. Improvements in productivity at rates of recent years, for example, will allow the workforce to support a higher ratio of retirees than is now the case; more rapid economic growth will generate more revenues for the system than some of the middle-scenario forecasts assume.

Besides, we should be careful before spending a great deal of energy worrying about the financial condition of retiring baby boomers. This is not the 1930s, when even retirees who had worked hard, and scrimped, faced a difficult future. This is the 21st century, when many retiring baby boomers will have substantial assets that make them less dependent on their Social Security checks to

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make up as high a proportion of their retirement income.

Indeed, a case can be made that by putting the issue of Social Security reform on the backburner for several years we would not be emulating Mr. Micawber but, instead, heeding the interdiction widely attributed to Ronald Reagan: "Don't just do something, stand there." After all, in the face of the uncertainties surrounding global warming, the administration has quite wisely avoided the temptation to join the world in overreacting, in "doing something" before it is clear that anything needs to be done, or, if it does, just what. What makes sense for environmental policy might make equal sense when it comes to social policy.

But we should never discourage politicians bent on prudence. So let's assume that there indeed is an impending problem, and that the president is right to contend it is his responsibility to solve that problem now, rather than to burden his successors with the chore.

It is, of course, also his responsibility to make clear just what his proposed solutions involve. A good beginning would be to abandon the argument that no cut in benefits is contemplated. That argument goes something like this. One reason the system is in financial difficulty is that (here and throughout I am sacrificing a bit of precision in favor of a great deal of clarity) the benefits of retirees are being increased more or less in line with the rise in wages. Reports are the president would change the escalator to the cost-of-living index. That alone, estimates Professor Olivia Mitchell of the University of Pennsylvania's Wharton School, "would fix the solvency problem without individual accounts. Indexing to inflation rather than wages will put it back on actuarial balance."

Now, it is possible to make a conceptual argument in favor of either of those escalators (such automatic increases are far superior to the old system where Congress raised benefits to win reelection). Escalate with wages, and you retain the standard of living of retirees *relative* to those of active workers. Escalate with inflation, and you retain the *absolute* standard of living of retirees. Surely a question on which reasonable men can differ.

What cannot be argued, at least not while maintaining credibility, is that a switch from a wage-based escalator to an inflation-based escalator does not result in a reduction in payments to retirees. It does, for the simple reason that in an economy in which productivity is increasing, wages will, over time, rise faster than inflation. That's why proponents of the president's plan argue that using a wage escalator places a far greater financial burden on the system than does the alternative. But if the current escalator is far more expensive than the proposed substitute, then the switch to an inflation index would reduce the benefits that would flow from retaining the wage indexation scheme. A change to a cost-of-living index would lower the cost of the system precisely because it lowers benefits—a good or at least necessary thing, perhaps, but a reduction by any other name remains a reduction. Meanwhile, payments into the system, being based on a tax on wages, would rise faster than benefits paid out, since wages should (one trusts) outpace inflation.

True, were we to switch escalators we would be imposing only a reduction in an increase, but it is a reduction in a promised increase, an increase that is now incorporated in what can be characterized as a social contract between active workers and retirees. That is not something conservatives should lightly contemplate.

In addition to reducing benefits, the proposal being mooted in the White House would allow some portion (one-third is the share recommended by the 2001 Presidential Commission on Social Security Reform) of the funds now being paid as taxes to support the Social Security system to be diverted into personal retirement accounts. The reasons given for this change, which polls suggest younger voters see as the only way they will ever collect any benefits, are two: It will help to create an "ownership society," weaning the individual from dependence on the state; and returns on the privately invested funds will in some economically meaningful sense be higher than those now being earned by the government on behalf of future beneficiaries. Neither reason withstands scrutiny.

No one is proposing to allow participants in the current system to invest even a part of their contribution in any way they might choose. After all, individuals might make the wrong choices, and find themselves less well-off than they would wish when the time comes to lay down their tools or attend their last important meeting. So the proposal now on the table would have the government limit investment options to stock-index mutual funds, bond funds, and cash—the resulting pool to be converted into annuities upon retirement. The theory of forced conversion into annuities, rather than allowing lump-sum withdrawals, seems to be that retirees and their money might otherwise soon be parted, a folly the government is honorbound to prevent. So much for freeing citizens from the heavy hand of the state.

A good case can be made, of course, for continued government supervision of the private investment of funds destined to support retirees. After all, a society unwilling to tolerate an army of penurious retirees—and politically unable to do so even if it were inclined to let retirees fall where they may—is in a sense the insurer of last resort. Insurers impose limits on the behavior against which they will insure. So the proposed changes in the system will not really create an army of investors freed from dependence on the state. Nor will the reforms in any economically

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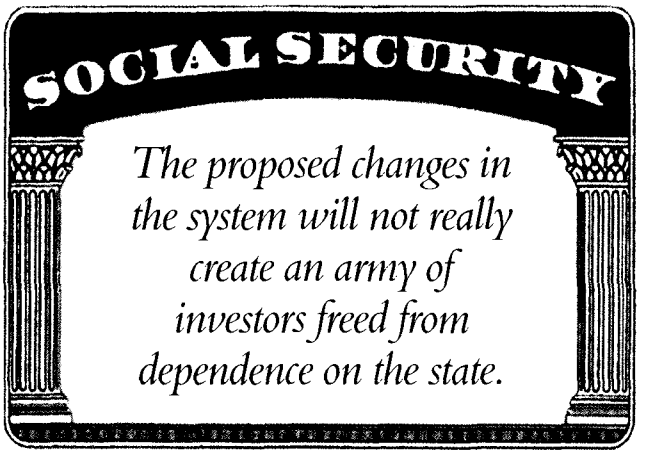
meaningful sense increase returns on investment. Returns will rise only if the risk to which funds are exposed also rises. "Higher returns are not a free lunch," warn economists at Goldman Sachs; "workers would take on more risk." Risk-adjusted returns will remain unchanged. Private accounts allow their holders to earn more, but only by risking more—unless the government is prepared to cover any losses incurred by the private investors.

It is true, of course, that the return on investment in stocks has been higher over the long run than has the return earned by the Social Security Trust Fund. But it is far from certain that the 7 percent historically earned on stocks is a sure clue to what the future holds. Indeed, with share prices selling at higher multiples than in the past, it is not an unreasonable guess that earnings will be closer to 5 percent. A bit of arithmetic: A portfolio invested 50 percent in stocks earning 5 percent, and 50 percent in bonds earning a real return of, say, 2 percent, will have an average yield of 3.5 percent. Deduct 1 percent for management fees (Larry Lindsey thinks this wildly overstates the cost), and retirees will net 2.5 percent, not much of a gain over what the Trust Fund now earns. Never have so many spilt so much ink over so little, or at least so it seems.



Perhaps most important, personal retirement accounts really have little to do with the solvency problem, a point made clear by Comptroller General David Walker, who commented last month, "The creation of private accounts for Social Security will not deal with the solvency and sustainability of the Social Security Trust Fund." Which is why Lindsey, a supporter of the president in this and other matters, says that individual accounts in the absence of other changes "will not fly in the bond market." These private accounts, then, are more what *BusinessWeek* calls a "values issue" than a fiscal one.

Then there is the nasty question of what are called transition costs, variously estimated at between $2 trillion and $5 trillion, as funds previously headed into the system are diverted to private accounts, while outlays continue at currently planned levels. No one can deny that the president has a point: If returns can be raised sufficiently by switching some funds to private accounts, it should be easy to finance the transition costs to a new, more productive system. Borrowing in order to fund larger reductions in costs is common in the private sector, where businesses often borrow money to pay for investments or organizational changes that will lower future costs by more than the cost associated with the new borrowing. Michael Milken understood that, which was why he was able to arrange financing for predators and sharks who took over fat-laden companies, then lowered their operating costs, repaying loans out of the savings, with something left over to reward the predators.

But the government is already running a substantial deficit, and neither the president nor the Congress has yet demonstrated the cost-cutting devotion that enabled Milken's takeover artists to persuade lenders to accept their IOUs. It is not impossible that lenders would see $2-$5 trillion as too much to swallow, at least at current interest rates. The result might then be higher interest rates, renewed pressure on the dollar, and other unforeseeable and unpleasant consequences. I say "might" because many experts, among them Lindsey and R. Glenn Hubbard, two of Bush's favorite economists, contend that the increased debt can be financed without seriously upsetting financial markets. Lindsey believes that the combination of personal accounts and a switch away from wage indexing will be "rewarded by the bond market." And Hubbard feels the markets will acknowledge that a diversion of funds to personal accounts is "akin to prepaying part of a mortgage."

But in the end no one can be sure of the effect of hitting the markets for a few odd trillion more in borrowing. We can, however, be sure that there is a risk in doing so, making it reasonable to ask whether that risk is worth taking to achieve what seem like the minimal gains in freedom and earnings that might flow from individual retirement accounts.

Fortunately, now that the time pressure has been relaxed a bit by the president, we can explore better ways of accomplishing his goals. President Bush is right to want individuals to have personal accounts, but these could supplement Social Security, rather than supplant a part of it, thereby avoiding the transition-cost problem. So more power to the administration's efforts to devise tax-advantaged schemes to encourage personal saving, schemes that

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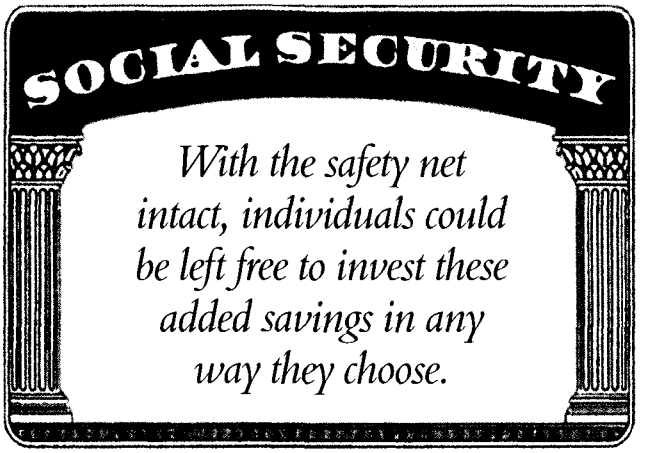
do not require any diversion of funds now destined to finance Social Security. And with the Social Security safety net intact, individuals could be left free to invest these added savings in any way they choose—safely, in order to add a bit to retirement income, or daringly, in the hope of striking it rich.

The president is right, too, to want to consider a reduction in benefits as part of any reform package. And replacing wage-based indexing with something related to the inflation rate might be the right thing to do. But it is not the only possibility: Surely, extending the retirement age to reflect current longevity expectations should also be on the table. But in any case, we should keep our word, unmodified, to those who have long been part of the current system, and confine reductions in benefits to new or relatively recent entrants into the workforce.

Where the president and his team might benefit most from further reflection is in the financing of Social Security. The current system of levying a 12.4 percent payroll tax gives us the worst of all possible worlds. First, it is a tax on jobs—payroll taxes make it more costly for employers to hire, and less attractive for workers to work. These taxes raise employers' cost of hiring by 6.2 percent, and reduce the employees' incentive to work by cutting their take-home pay.



Worse still, the system is regressive. Only salaries up to $87,900 (in 2004) are taxed, meaning that Wall Street mega-earners pay no more than their secretaries. This regressivity is ameliorated by the fact that most high earners continue working after the date at which they receive retirement benefits, and those benefits are taxed at the high rates that apply to all of the income earned by these older but unretired workers. Still, not the fairest of systems.

A truly radical reformer would consider alternatives to the job-destroying payroll tax system. After all, why tax a good thing, like jobs, rather than the many bad things that currently go untaxed? Two leap to mind: pollution and imported oil. Surely a reduction in the payroll tax, funded by a tax on either of those two items, would do more to stimulate economic growth, and to reduce the regressive character of the Social Security finance system, than would any of the reforms now being considered.

Which brings me to my final suggestion. The president is keen to reform the tax system and has announced a bipartisan commission that will report to him July 31 on how that might best be done. The question of how to finance the nation's retirement program is equally taxing, if I might be forgiven a pun, and is not unrelated to the broader question of tax reform. Why not charge the new commission with the responsibility of integrating reforms for the tax and Social Security systems? These reforms could take into consideration the fact that the world has changed since FDR first introduced the Social Security safety net; that the increase in wealth since the days of the New Deal inevitably changes the role to be played by government-funded retirement benefits from near-total provision to a supplement to other incomes; that the payroll tax is an impediment to more rapid economic and job growth; and that experience has taught that it is no bad thing to rely on each new generation to fund the retirement of older ones, since newer generations are richer than their predecessors.

With an appropriate mandate, this commission could make available to the president a more carefully considered set of proposals than he now has before him, and provide the basis for greater bipartisan support. And with luck, those of us who fear that the president has not been as radical as he might have been had he been willing to abandon the payroll tax, might carry the day.

Not incidentally, this pause that might refresh would leave President Bush free to devote that portion of the time and political capital that he is able to spend on domestic affairs to getting his judicial appointments approved, and to begin focusing his attention on the health care system. According to Goldman Sachs's economic team, "Medicare is the much bigger problem. It accounts for more than four-fifths of the projected increase in entitlement spending in coming decades, and its costs—unlike those of Social Security—are largely immune to an increase in retirement age. Indeed, the recently enacted Medicare prescription drug benefit by itself is projected to cause a bigger spending increase than the entire Social Security system!"

Now there's a problem worth tackling in order to bring the deficit under control, while plans for reforming Social Security are, shall we say, refined. ♦

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Bush Versus the Trial Lawyers

Not all tort reforms are created equal

By William Tucker

President Bush went to Madison County, Illinois, last week to kick off his campaign for tort reform. "Junk lawsuits change the way doctors do medicine," said the president, surrounded by a phalanx of doctors from southern Illinois. "Instead of taking care of patients, they're worried about lawsuits."

Madison County—named the nation's worst "judicial hellhole" by the American Tort Reform Association—is a good place to start. "I've had to change doctors four times in the last two years," says Jim Thompson, a 62-year-old retired electronics worker in rural Godfrey, Illinois. "They're all leaving because of the trial lawyers."

But the event also illustrates the dilemma the Bush administration faces in pushing tort reform through Congress. "Medical malpractice is the best issue to lead with because it's something people get excited about," says Governor Haley Barbour, of Mississippi, who pushed a complete package through his state's legislature last year. Yet medical malpractice is the issue probably least susceptible to a national solution. Far more pressing are class-action reform and a resolution of long-running asbestos litigation. Unfortunately, these issues generate much less public excitement. The trick for the administration will be keeping all three balls in the air as it tries to guide a package through Congress.

Currently gathering the most support in Congress is class-action reform. Were it not for Tom Daschle, Senate Bill 2062 would probably be law right now. The 2004 version had 62 supporters—more than enough for cloture—yet it died when the minority leader attached non-germane amendments concerning the minimum wage and global warming on the Senate floor. Daschle is now planning to continue his opposition from South Dakota.

Class-action reform aims to rein in the trial lawyers' favorite racket of bundling tens of thousands of petty claims for things like phone bills and credit card charges and then bringing them before a sympathetic local judge who certifies what is, for all intents and purposes, a national class action. Madison County—where judges are entertaining nearly 200 such lawsuits—became a "judicial hellhole" because of class actions, not medical malpractice.

In a typical case, a Madison County resident spent the night at a Wyndham hotel in Chicago in 2001, then filed a class action in Edwardsville (the county seat) over a $2.67 "energy surcharge" he had been forced to pay. A trivial matter? Not when combined with tens of thousands of identical claims from the "national class" of aggrieved hotel guests. Yet because none of the *individual* claims exceeded $75,000—and because at least *one* Madison County resident was involved—state judges are allowed to certify the class action. The usual outcome is that plaintiffs get a $2.67 coupon for their next visit to a Wyndham, while the lawyers collect their contingency fees in cash.

Two Illinois firms—the Lakin Law Firm and Freed & Weiss—pioneered the territory, but their success has now attracted a swarm of national firms to this rural backwater. Just to celebrate their success, trial lawyers raised $140,000 for three Madison County judges' reelection campaigns in 2002—a race in which all three ran unopposed.

"Trying a case involving thousands of claims from around the country against a national chain [Wyndham has no hotels in Madison County] before a single state judge obviously violates the spirit of the 'diversity' clause in the Constitution," says Sherman Joyce, president of the American Tort Reform Association. "Dealing with cases involving parties from diverse states is one of the reasons the federal courts were created in the first place."

The Class Action Reform Act would do three things: It would (1) allow class actions involving plaintiffs and

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defendants predominantly from different states to be removed to federal court if one party so requests; (2) outlaw "coupon" settlements, where the class members get non-monetary awards while the lawyers collect cash; and (3) prevent settlements where some class members actually lose money or where members from the local jurisdiction receive better treatment than members from other states—both not infrequent outcomes.

Opponents argue the reform would swamp the federal courts. "The bill is very much weighted toward business and opposed to consumer and civil rights," complains Edward Sherman, of Tulane Law School, who chaired an American Bar Association task force on the legislation. "It's quite a change in our notion of federalism. There are many cases that should be kept in the state courts."

The last three Democratic senators to come on board last year secured a concession that specified class actions will stay in the state courts if two-thirds of the primary plaintiffs and defendants are from the same state. Other details will have to be ironed out before passage.

Still, supporters remain optimistic. "This matter has been before Congress for six years and subject to ten sets of hearings," says Lawrence Fineran, of the National Association of Manufacturers. "It's time to act."

Asbestos lawsuits—the country's longest-running personal injury claims—are still ravaging industrial America. The story began in the 1960s when Ward Stephenson, a Texas personal injury attorney, bypassed the limited awards of Worker's Compensation by suing the manufacturers of asbestos over lung damage suffered by oil-refinery workers. As the claims mounted, trial lawyers uncovered the Sumner Simpson papers (named for the founder of Raybestos-Manhattan), which revealed that manufacturers had known as early as the 1930s that asbestos was causing significant harm to workers' lungs. The subject was hushed up, however, and asbestos became a household item in the 1950s, exposing millions of people. Tens of thousands of insulation installers, pipe fitters, and construction workers suffered miserable deaths from asbestosis and a dreaded cancer, mesothelioma, in what has been called the greatest industrial health disaster in American history.

By some legal version of Gresham's law, however, the bad cases have eventually driven out the good. After Johns Manville and Raybestos went bankrupt, lawyers turned on construction companies, oil companies, steelmakers, and eventually anyone who ever came near asbestos. Bethlehem Steel, Babcock & Wilcox, Combustion Engineering, and W.R. Grace all fell into bankruptcy as a result of asbestos litigation. The makers of automobile brakes were sued because brake pads had been made of asbestos. When Federal-Mogul, the leading manufacturer, went bankrupt, lawyers sued Kaiser Aluminum, which made the brake shoes that cut into the brake linings. Kaiser went bankrupt in 2002. Over 75 major corporations have now filed for Chapter 11 as a result of asbestos suits, and trial lawyers now have General Motors, Ford, Chrysler, General Electric, and Westinghouse in their sights.

Meanwhile, the actual health crisis is subsiding. Mesothelioma deaths peaked in 1992, and the incidence of asbestos-related disease is in decline. Yet claims keep increasing. Lawyers began sending mobile X-ray vans to factories to screen for potential clients. Sympathetic doctors produce sympathetic diagnoses. Over 650,000 claims are now pending, with more than 100,000 filed in 2004. Recently, Johns Hopkins researchers asked six independent reviewers to reexamine 492 X-rays submitted by plaintiff attorneys in support of their clients' claims of lung scarring. The initial X-ray readers had reported abnormalities in 95.9 percent of the films. The independent reviewers found them in 4.5 percent. The results were published in the August 2004 issue of *Academic Radiology*, the journal of the profession.

The compromise to which both sides have now agreed is a $100-billion-plus trust funded by asbestos-related companies to compensate present and future victims in exchange for relief from further lawsuits. "A year ago the manufacturers were offering $100 billion, while the labor unions wanted $150 billion," says Stanton Anderson, executive vice president of the U.S. Chamber of Commerce. "Now they're talking about $140 billion." One good sign: The unions have generally excluded trial lawyers from their conferences.

What paralyzes Congress is the fear that the lawyers will quickly burrow around the system. ("A lawyer is a person skilled in circumventing the law," observed Ambrose Bierce.) Some are already repackaging their asbestos cases as "mixed dust and silica" claims, arguing these should be exempt from the agreement. There is also the question of pending claims. Daschle insisted anyone who had a court date would be exempt from the trust agreement—which is one reason why the 100,000-plus cases were filed last year. All these details will have to be ironed out.

Even among plaintiff attorneys, however, there is a sense of urgency. "It used to be that I could tell a man dying of mesothelioma that I could make sure his family would be taken care of," testified Steven Kazan, an Oakland plaintiff lawyer who filed his first asbestos case in 1974. "Today, I often cannot say that anymore. And the reason is that other plaintiffs' attorneys are filing tens of thousands of claims every year for people who have absolutely nothing wrong with them."

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Bush in Madison County

UPI / Landov / Bill Greenblatt

And so, finally, there is medical malpractice. Here the consensus is not nearly as broad. The Medical Malpractice Reform Act of 2004 received only 49 votes in the Senate and is still a longshot to make it to the president's desk—even though Bush has been hammering at it since the fall campaign.

"There's a great deal of concern among conservatives about federalism and preemption," says Anderson, of the Chamber of Commerce. "Some states aren't doing a bad job, but our position is it should be a federal issue."

Federalism is working in the sense that most states get the malpractice crisis they deserve. Mississippi was a tort paradise for over a decade, and doctors were moving across the river to Louisiana, where the Napoleonic Code limits abuses. Then a Toyota executive wrote Governor Barbour telling him the state's "unfavorable litigation environment" had prompted Toyota to choose Texas over Mississippi for a new manufacturing plant. Barbour immediately called a special session of the legislature and pushed through a reform package that included curbs on malpractice awards.

At the other end of the spectrum, Maryland doctors are threatening job actions after absorbing premium increases totaling 61 percent over the last two years. Medical Mutual Liability Insurance Society of Maryland, a doctor-run consortium, is the only carrier left in the state. Premiums now run as high as $150,000 a year. Republican governor Robert L. Ehrlich Jr. and the Democratic legislature have tried to agree on a reform bill—so far without success.

The favorite instrument for malpractice reform is a statutory limit on noneconomic damages. These are for "pain and suffering," "mental anguish," and other open-ended categories that allow silver-tongued lawyers to tear at jurors' hearts. (John Edwards once won a multi-million-dollar verdict by "channeling" the thoughts of a newborn as it was allegedly injured during a difficult delivery.) Economic damages—hospital bills, lost wages—all can be calculated, and have finite limits. But pain and suffering asks jurors to use their imaginations.

California adopted a $250,000 cap on noneconomic damages in 1975, and malpractice premiums have since risen only one-third as much as in the rest of the country. Trial lawyers still thrive in the Golden State, but they are not buying baseball teams or sponsoring space races. Texas voters approved identical caps in 2003, and already 40 percent of the state's doctors have received rate reductions. Hospital suits are down, and 80 new ob-gyn specialists have set up shop in the state.

The Medical Malpractice Reform Act of 2004 would have imposed the same $250,000 cap on noneconomic damages at the national level. Senator Dianne Feinstein, a California Democrat, offered to come aboard if the cap were set at $500,000, as have a handful of other senators. Donald Palmisano, outgoing president of the American Medical Association, complains the figure is too high: "When you get up around $500,000, the caps don't do much good." The doctors may have to accept half a loaf. Even a 55-vote majority is not enough to ensure passage. If Senate Democrats choose to stonewall, the progress of the bill could grind to a halt.

Another danger is that tort reform will be pushed off the national agenda by one or more Supreme Court nominations. This would tie up the Judiciary Committee—and probably the whole country—for some time. Countering this is that Senator Arlen Specter, chairman of the judiciary committee, has been at least open to tort reform—particularly the problem of asbestos suits, which have devastated the manufacturing economy of Pennsylvania.

It's not going to be easy, but the 109th Congress could be a watershed in the nation's longstanding battle to curb the excesses of trial lawyers. ♦

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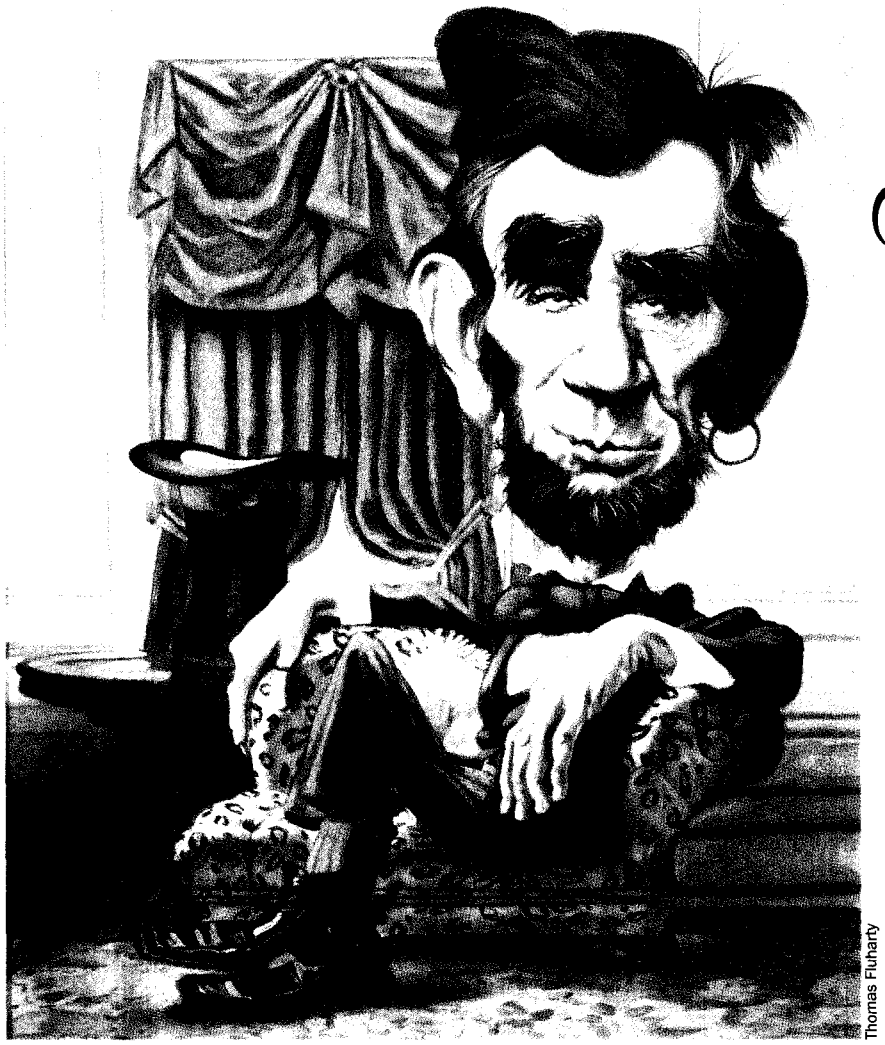
Honest, Abe?

A dishonest book claims Lincoln as the first log cabin Republican

By Philip Nobile



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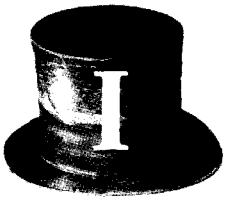

The notion that Abraham Lincoln had homosexual experiences is hardly new. All the way back in 1924, Carl Sandburg's bestselling biography winked at Lincoln's "streak of lavender and spots soft as May violets." And more explicit versions of the idea have appeared in the years since—as signaled by "Log Cabin Republicans," the name chosen by gay members of the GOP for their advocacy group.

But the attempt to use this "Gay Lincoln Theory," making the sixteenth president an icon for modern homosexuals, is now poised to make its biggest push—led by the late C.A. Tripp's *The Intimate World of Abraham Lincoln*, a book published this month by Free Press, a division of Simon & Schuster.

The topic of Lincoln's sexuality keeps reappearing because the available evidence is so tantalizing: a jokey poem he wrote in his youth about a boy marrying a boy, a four-year sleeping arrangement with adored friend Joshua Speed, a marriage sometimes said to be reluctant and less than amorous, a lifelong preference for male company, a documented claim that he shared a bed in the summer White House with his soldier-bodyguard in 1862, and a number of other suggestive items.

The Intimate World of Abraham Lincoln
by C.A. Tripp
Free Press, 384 pp., $27

C.A. Tripp, who died in 2003, was a well-known sex researcher, a protégé of Alfred Kinsey and the author of a 1975 volume, *The Homosexual Matrix*. After a decade of pondering Lincoln's relations with men, he pronounces in his posthumously published new book on Lincoln's masturbation habits, seduction style, sex positions, and orgasms. Confidently naming five male lovers of the president, *The Intimate World of Abraham Lincoln* declares the conclusion absolute and obvious that this married father of four was "predominately homosexual."

The argument is "irrefutable," Gore Vidal blurbs on the book's cover. And, in fact, Tripp's work is as good as the case gets for Lincoln's walk on the Wilde side.

Unfortunately, that is merely a way of saying the Gay Lincoln Theory fails any historical test. "Useful history" is

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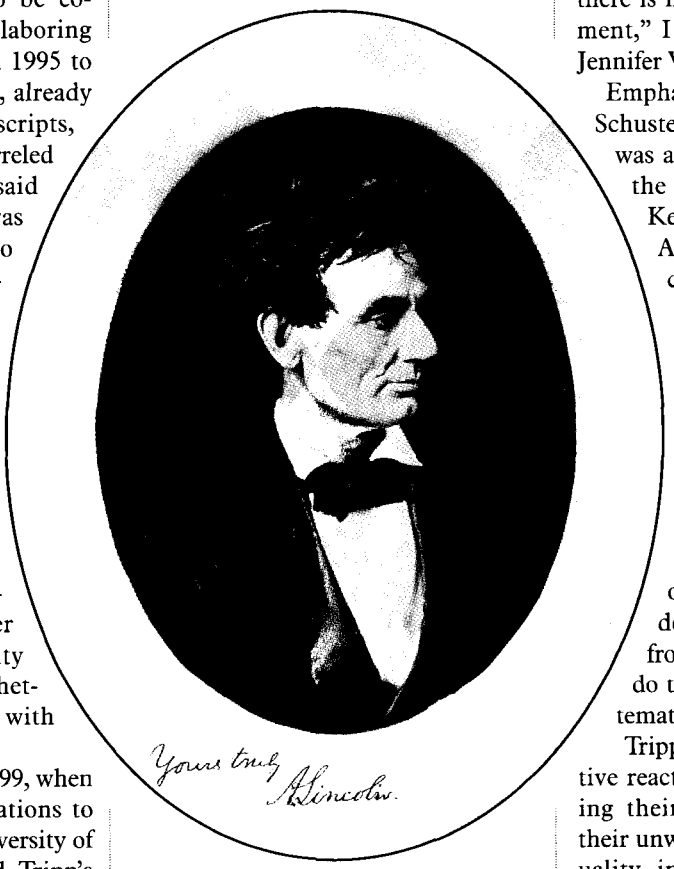
always a dubious kind of scholarship. But in its attempt to be useful for gays today, *The Intimate World of Abraham Lincoln* reaches far beyond the merely dubious. The book is a hoax and a fraud: a historical hoax, because the inaccurate parts are all shaded toward a predetermined conclusion, and a literary fraud, because significant portions of the accurate parts are plagiarized—from me, as it happens.

Tripp and I intended to be co-authors of the book, laboring together on the project from 1995 to 2000—when our partnership, already fissured by dueling manuscripts, came to a bitter end. We quarreled constantly over evidence: I said the Gay Lincoln Theory was intriguing but impossible to prove; he said it was stone-cold fact.

More advocate than historian, Tripp massaged favorable indicators (Lincoln's early puberty), buried negative ones (Lincoln's flirtations with women), and papered over holes in his story with inventions (Lincoln's law partner and biographer William Herndon never noticed the homosexuality because he was an extreme heterosexual and thus afflicted with "heterosexual bias").

I quit the project first in 1999, when Tripp refused to include citations to Charles Shively, a former University of Massachusetts historian and Tripp's main guide to the gay Lincoln. "Darwin didn't do it," he said to me, referring to Darwin's initial failure to cite precursors in *The Origin of Species*. Although Tripp profusely copied ideas and references from Shively's flamboyantly rendered Lincoln chapter in *Walt Whitman's Civil War Boy Lovers*, he brushed off proper mention because he thought Shively's reputation for being "too gay-lib" would dissuade readers.

After Tripp relented, I rejoined the book on one condition: We would write separate chapters, and a Lincoln expert would decide which one went in the book. In January 2000, when the time came to send out our competing versions of chapter one—about Lincoln's prized bodyguard—Tripp refused to let Dr. Tom Schwartz, secretary of the Abraham Lincoln Association and his choice for referee, do the expected peer review. Realizing that Tripp would never give up his homosexual bias or observe the customary standards of historiography, I resisted his offer to sign a new agreement. Sadly, we never spoke again.



Only after reading his two-column obituary in the *New York Times* on May 22, 2003, did I learn of a completed manuscript. A year later, I heard that Free Press had bought it and set a publication date for November 2004. Last July, I alerted Elisa Rivlin, Simon & Schuster's general counsel, to my suspicions of problems in Tripp's final text. According to Rivlin, it is company policy to ignore complaints about forthcoming books—but she was curious about what I knew, and we made a deal: In exchange for a copy of the galleys, I would vet the book for errors.

Apart from jaw-dropping plagiarism in the first chapter, which kidnapped the text I wrote for the aborted peer review, I saw that Tripp was up to the same tricks that had forced me to withdraw from the project: consistently bending the evidence in the lavender direction. The con was so outrageous that I urged killing the book. "If you correct the errors, remove the copied material, restore what Tripp covered up, and make the proper attributions, there is not much left of Tripp's argument," I emailed Free Press counsel Jennifer Weidman.

Emphasizing the risk of a Simon & Schuster-sponsored history fraud (it was also the house that published the plagiarized works of Doris Kearns Goodwin and Stephen Ambrose), I turned over my correspondence with Tripp.

The file included a four-page letter from Lincoln biographer and Simon & Schuster author David Donald, disparaging a 1996 draft of Tripp's argument. "Throughout you seem to be neglecting the fundamental rule, the historian has to rely on facts," observed Donald. "I don't mean to discourage you from doing further work—but I do think it ought to be more systematic and more empirical."

Tripp was cavalier about the negative reaction from historians—ascribing their rejection of the theory to their unwillingness to admit homosexuality in their hero. He said that Donald told him that he would not believe Lincoln was gay even if Lincoln said so. Tripp was even convinced that another doubtful biographer was timid because he was a nervous closet case—until the man introduced him to his fiancée.

My intervention seems to have caused second thoughts at Free Press. The publication date was shifted from November into the new year, sacrificing the Christmas trade. Rivlin appeared to value my criticism. After the first round of memos, she asked for more.

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Yet despite repeated requests, she blocked my meeting with Tripp's Free Press editor, Bruce Nichols. Company spokesman Adam Rothberg told the *New York Times* last month that "slight changes" were made after my protest and that "we are satisfied that we are publishing a book that reflects Mr. Tripp's ideas and is supported by his research and belief."

B*elief*, absolutely. *Supported by Tripp's research*, not quite. Free Press's corrections have managed to put the book's ideas in even a worse light than Tripp had left them. As he once wrote me after I toned down his purple prose on Lincoln's puberty, "with 'friendly' editing like this, we don't need any enemies."

Look, for instance, at the discussion of Lincoln's adolescence. Tripp felt his date-of-puberty argument was the most-important "smoking gun" in the whole gay Lincoln arsenal. Not only did it lend a quasi-scientific luster to a largely speculative quest, it was his sole original contribution to the discussion of Lincoln's sexuality. According to Kinsey, extremely precocious puberty in males is associated with a higher lifelong sex drive, social extrovertism, and, in almost half the sample, at least some incidence of homosexuality.

Consequently, Tripp sought to establish the earliest possible date for Lincoln's transition into adolescence and twisted the facts to do so. Initially, his source was William Herndon's 1888 biography, *Herndon's Life of Lincoln*. "In his eleventh year he began that marvelous and rapid growth in stature for which he was so widely noted in the Pigeon Creek settlement," wrote Herndon, relying on Lincoln's older grammar school classmate, David Turnham. Since Kinsey's average age for puberty was 13.7 years, Tripp said that Lincoln's eleventh year puberty increased the probability for some homosexual experience.

So far, so good, if one grants that boys of Lincoln's day had the same average as Kinsey's twentieth-century sample, a wrinkle blithely ignored by Tripp. But in 1998, Tripp moved Lincoln's puberty date from eleven to nine after reading a full transcript of Herndon's scribbled Turnham interview, published in the 1998 *Herndon's Informants: Letters, Interviews, and Statements About Abraham Lincoln*: "immediately on landing in Ind I became acquainted with Mr Lincoln. My father and his were acquainted in Ky—Abe was then about ten years of age—I being 16 ys of age—Abe was a long tall dangling award drowl looking boy—went hunting and fishing together."

Tripp insisted that Turnham meant Lincoln was long, tall, and dangling the very day they met. If Lincoln spurted so tall at ten, he must have attained puberty at nine, which implies that he was on the fastest possible track to youthful homosexual tryouts and likely homosexuality as an adult.

This page and previous: CORBIS.

Yet a careful reading of Herndon's notes show that nothing Turnham recollected justifies this huge leap backward. As I told Tripp, Turnham did not precisely link his first impression of Lincoln with height. Rather his remark seemed to reflect a general memory of Lincoln's above-average stature throughout his boyhood.

Later in the same interview, Turnham described Lincoln's height with the same language wrapped in the same misty reminiscence: "He loved fishing & hunted Some—not a great deal—He was naturally Cheerful and good natured while in Indiana: Abe was a long tall raw boned boy." But Tripp would not let go. The temptation to portray Lincoln as a nine-year-old poster boy for the Friends of Dorothy was too great. Turnham's description, despite the obvious ambiguity, became Tripp's foundation for backdating Lincoln's puberty, now "precisely known."

Apparently, Simon & Schuster was not totally convinced. After I sent Rivlin a copy of Turnham's interview, a table-turning revision was inserted into the puberty passage in the second chapter of the book:

> Thanks to an accident of history, Lincoln's age at puberty happens to be precisely known. In March 1819 the Turnham family, longtime friends of the Lincolns back in Kentucky, moved "next door" to them in Indiana, less than a mile away. David Turnham was sixteen years old at the time; Abe had turned ten just the previous month. David later remembered Abe as a "long, tall, dangling, awkward, droll-looking boy," marking Abe's growth spurt as obvious enough by then to have been well under way for several months, with his first ejaculatory capacity predating even that; thus, Lincoln may have arrived at puberty before David Turnham first met him in March. In short, Lincoln hit puberty at age nine.

Notice the contradiction between the claim that "Lincoln's age at puberty can be precisely known" and the later admission that "Lincoln may have arrived at puberty before David Turnham first met him." There was no "may have" in Tripp's galleys in which

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Lincoln with his son Tad.

he wrote assuredly that "Lincoln arrived at puberty several months, perhaps half a year, before David Turnham first met him in March."

The qualifier popped in during the publisher's rewrite just as the hyperbolic "several months, perhaps half a year before" extension was cut. If Tripp's editor were serious about correcting the dating exaggeration, he would have altered other passages in the book where the extreme puberty claim resurfaced without any qualification.

Similar editing challenges arise in the third chapter, where Tripp discusses Billy Greene, Lincoln's first bed partner in *Herndon's Life of Lincoln*. They clerked together in a general store in New Salem, Illinois, in 1831. Greene was then eighteen, destined to marry and father nine children; Lincoln was twenty-two. Based on his Greene interview, Herndon wrote: "William G. Greene was hired to assist [Lincoln], and between the two a lifelong friendship sprang up. They slept in the store, and so strong was the intimacy between them that 'when one turned over the other had to do likewise.'"

Naturally, this line excited Tripp, and he began to touch-up the evidence to fit his preconception. Thus, when Herndon asked Greene what he remembered about his first sight of Lincoln, Greene replied that he was "well and firmly built: his thighs were as perfect as a human being's could be."

Bingo. Greene's eye on Lincoln's thigh, opined Tripp, "strongly suggests a sexual practice later named 'femoral intercourse,' . . . one of the most frequently used homosexual techniques."

Likewise, Tripp treasured a line from the wife of Mentor Graham, briefly Lincoln's schoolmaster in New Salem, which seemed to confirm a lusty affection between Billy and Abe. But the source was an unfootnoted 1944 biography entitled *Mentor Graham*, the dialogue of which, its own authors admitted, was fictionalized.

Unfazed, Tripp camouflaged the problem by introducing Mrs. Graham's quotation with the unexplained qualifier *allegedly*: "Allegedly, Graham's wife, Sarah, specifically mentioned that Billy and Abe 'had an awful hankerin', one for t'other.'" This usage was designed more to deceive than enlighten the reader, who hardly expects to see a concocted quotation passing for real in a nonfiction book.

Despite my complaints, Tripp's editor made no adjustments in the hilarious "perfect thighs" and invented "hankerin'" items. But a third Greene passage got a correction that boomeranged on page 52:

> In later life on a visit to the White House Lincoln introduced [Greene] to his secretary of state, William Seward, saying that this friend of his, William Greene, was the man who taught him grammar. This embarrassed Greene, who knew little about grammar, so he remained silent for fear Seward would notice his deficiency. Lincoln later reminded Greene that he had helped Lincoln by quizzing him from a grammar book. Certainly the White House tribute was proof enough of Greene's help, and a salute as well to the reality of the grammar problem. But why, in fact, was Greene so embarrassed? One cannot know for sure, but a reasonable guess might be that those long ago grammar sessions, many of them in bed, ended with sexual contact. To now have these private events suddenly recalled within the formal surroundings of the White House by what may have seemed at the moment an all too free-speaking long-ago bed partner could have been a real jolt.

Mark the oddly divergent explanations for Greene's discomfort with Seward. First the unsourced assertion that Greene was "silent for fear Seward would notice his deficiency," then, three sentences later, out of nowhere, Tripp's "reasonable guess" that Greene was nervous about Lincoln's edging too close on those hot nights in New Salem. The answer is simple: Tripp did not write the "for fear" sentence.

It was inserted in the book because I sent Free Press a passage from Thomas Reep's 1927 book, *Lincoln at New Salem*, in which Greene relayed the origin of his unease: "This statement embarrassed Greene, who himself knew little about grammar and in whose conversation grammatical rules were not always adhered to, so that he did not engage in conversation for fear that Seward would notice his deficiencies and wonder at Lincoln's statement."

I had previously showed Reep's treatment to Tripp, but he preferred cooking up a sexual fantasy to sourcing Greene's own explanation. Apart from its cynicism, the insertion in the new Free Press version not only makes Tripp look a fool, but a copyist all over again—for the person who corrected this passage wound up plagiarizing Reep, as can be seen by comparing the two passages.

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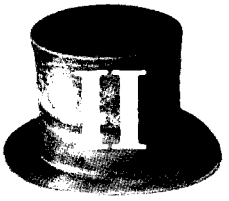

What *The Intimate World of Abraham Lincoln* lacks in history, it makes up in thievery. "I am the principle author of Tripp's first chapter," I wrote in an email to Simon & Schuster's Rivlin. "I conceived, titled, structured, researched, and wrote most of the words in [Tripp's] 'What Stuff!'"

The publisher was slow to admit the problem. Although I had turned over my original manuscript for comparison along with correspondence confirming sole and prior authorship, the initial response was dismissive. Free Press counsel Weidman, who reports to Rivlin, contended that my chapter and Tripp's chapter were "dissimilar in many respects" and therefore "it is difficult for us to determine what, if any, credit or attribution you might find appropriate with respect to the chapter."

I replied that despite some differences, Tripp's version copied my "language, ideas, construction, citations, and narrative line." Hoping to dissociate myself from the book, I rejected credit. "As previously stated, I seek no attribution because I grant no permission to publish 'What Stuff!', which is substantially my work."

Tripp's borrowings—ranging from sentences to paragraphs to whole pages—appeared on nineteen of his twenty-five chapter-one galley pages. The differences involved additions (mostly of Tripp's trying to go beyond the evidence) and subtractions (mostly of evidence casting doubt on Tripp's thesis). Otherwise, the galleys kept my blueprint and mimicked my language from first page to last.

Here, for instance, are our opening paragraphs:

> **Tripp**: Margaret Leech won a Pulitzer Prize for her *Reveille in Washington, 1860-1865*, a boisterous chronicle of life in Washington, D.C., during Abraham Lincoln's presidency. Elegantly written and exhaustively researched, this 1941 book remains in print today. On page 303, in one of the least cited passages in Lincoln literature, Leech claimed that the President surreptitiously slept with an Army officer whom he invited into his bedroom at the summer White House, not just once, but repeatedly, in 1862.
>
> **Nobile:** Margaret Leech won a Pulitzer Prize for *Reveille in Washington 1860-1865*, a boisterous chronicle of life in Washington D.C. during Abraham Lincoln's presidency. Elegantly written and exhaustively researched, the 1941 book remains in paperback today. On page 303, in one of the least cited passages in Lincoln literature, Leech reported that the president surreptitiously slept with an army officer in 1862.

Mary Todd Lincoln

Library of Congress

And here are paragraphs from the conclusion:

> **Tripp**: Derickson said his final good-bye on April 28, 1865, when Lincoln's funeral train stopped in Cleveland. "From Meadville, Pennsylvania, had come two hundred [men] marshalled by Captain Derickson and some of his boys who had served with Lincoln's White House bodyguard," wrote Carl Sandburg in the final pages of *The War Years*. Although Sandburg borrowed a few passages from Tarbell's narrative on Company K, he did not delve into Lincoln's friendship with the captain.
>
> **Nobile:** Derickson said his final goodbye on April 28, 1865, when Lincoln's funeral train stopped in Cleveland. "From Meadville, Pennsylvania, had come two hundred marshalled by Captain Derickson and some of his boys who ha[d] served with Lincoln's White House bodyguard," wrote Carl Sandburg in the final pages of *The War Years*. (Although Sandburg cribbed parts of Tarbell's narrative of Company K, he did not delve into Lincoln's friendship with the Captain. . . .)

Faced with reality, the publisher dropped the dissimilarities dodge. No longer able to deny Tripp's plagiarism, the defense shifted ground. "The issue is not whether you contributed to the work, or for that matter who wrote parts of it," Rivlin declared. The new issue went to ownership. She insisted Tripp's "Estate has the right to authorize the publication of the chapter. We see no issue of theft or other impropriety in our acting upon that authorization. Rather, any concerns that you have with respect to the authorization should be raised directly with the Estate."

The estate attorney is Rosalind Lichter, a specialist in entertainment law. Tripp hired her in 2000 on the recommendation of author and AIDS activist Larry Kramer to stop me from publishing my version of "What Stuff!" She sent me threatening letters about stealing her client's material: "We will not hesitate to seek an injunction and money damages," she wrote.

The years have not softened her attitude. Lichter was curt when I telephoned her office in Manhattan. I rehashed our unresolved legal dispute. "Tripp and I never signed a work-for-

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CORBIS. Next page: Simon & Schuster / Filson Historical Society.

The Lincoln cabin in Kentucky, as it looked in 1891.

hire agreement and so the Estate doesn't own my material," I said. "I'm not going to have a discussion with you—have a lawyer call me," Lichter said before hanging up. A friend who called on my behalf, a law professor, turned out to be a mutual acquaintance. She stonewalled him, too.

Meantime, somebody was busy revising "What Stuff!", presumably to obscure my contribution. It was a delicate task. How do you rewrite a rewrite, copy a copy, without leaving traces of the original design and detail? Many of my words were cut, some paraphrased, and others repeated. My narrative was rearranged, but the new choreography did not erase the underlying DNA of my prose, lines of argument, and sources.

In the finished book, my work remains abused. All told, the rewriter copied or paraphrased twenty-four passages of mine on sixteen of the revised chapter's twenty-one pages. Let a pair of simple examples suffice:

> **Tripp**: "Tish" was Letitia McKean, a player in Washington's fashionable society and the daughter of an admiral. It is unknown how she came by her information, but hearsay is likely.
>
> **Nobile**: "Tish" was Leticia McKean, a Washington socialite and friend of Mrs. Fox. How Miss McKean, the daughter of an admiral, came by her information is unknown, though hearsay may be presumed.

And:

> **Tripp**: Whether the two ever saw each other again is not known. However, a letter of June 3, 1864, from Provost Marshall Derickson to his commander-in-chief, preserved in the Library of Congress, expressed Derickson's abiding warmth.
>
> **Nobile**: Whether Lincoln and Derickson ever saw each other again after May 1863 is not recorded. However, a June 3, 1864 letter from Provost Marshall Derickson to his Commander in Chief, preserved at the Library of Congress, expressed the former's abiding warmth.

How did Simon & Schuster imagine that it could get away with a second round of plagiarism? In the first instance, the publisher was a recipient of purloined goods. But the post-mortem rewrite upgraded the firm to direct participant.

Maybe Rivlin figured that some sort of acknowledgment of my role in creating chapter one would be enough to save face, no matter what. So now there is an asterisk beside "What Stuff!" on the chapter's title page. Two-hundred-and-ninety-seven pages later, the asterisk reappears in the chapter's endnotes beside the claim: "From 1996 to 2000, C.A. Tripp worked with Philip Nobile on the early drafting of this book, principally of this chapter, the original draft of which was written by Mr. Nobile. After disagreement on various points of interpretation, methodology, and wording, the relationship came to an end."

I told Rivlin that her acknowledgment was unacceptable and designed to cover up the copying. It reminded me of the acknowledgment that Doris Kearns Goodwin slipped into a backdated preface of *The Fitzgeralds and the Kennedys* after British author Lynne McTaggart threatened to sue her and Simon & Schuster in 1987 over copying from McTaggart's *Kathleen Kennedy: Her Life and Times*.

"A more accurate endnote," I tweaked Rivlin, would be: "From 1995 to 2000, C.A. Tripp worked with co-author Philip Nobile who wrote the original draft of Chapter One that Tripp has substantially copied in this book without Mr. Nobile's approval. After Mr. Nobile failed to persuade his coauthor and old friend to stop faking evidence and stealing from other historians, the relationship came to an end."

Simon & Schuster was in a terrible bind. Should it scrap Tripp's tainted first chapter and thereby cripple the book, or should it repeat its embarrassing Goodwin history by knowingly printing stolen words? In the end, the publisher did both: Tripp's version of "What Stuff!" was scrapped in favor of a rewrite *and* the book still contained borrowed words.

"If you don't stop making a stink about Tripp's book, I'm going to expose you as an enormous homophobe," Larry Kramer telephoned me to say last October. "For the sake of humanity, please, gays need a role model." I replied that the book was so bad, it would backfire on the homosexual movement when reviewers and readers caught on to the fabrications, contradictions, and general nuttiness of *The Intimate World of Abraham Lincoln*.

One of the biggest roadblocks to the Gay Lincoln Theory is the fact that neither friends nor enemies ever connected the man to homosexual thoughts, words, or deeds. Would not a secret of that magnitude have leaked out somehow, sometime? Tripp had Lincoln boinking four bosom buddies during his prairie years, but there was

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not a whiff of this supposed hanky-panky anywhere in the record, not even in Herndon's exhaustive history of Lincoln's frontier contemporaries.

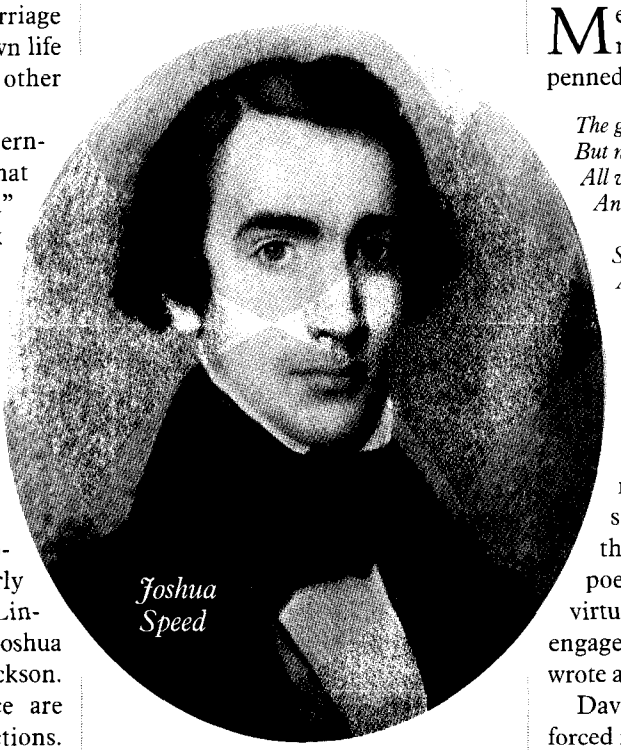
I asked Tripp about Herndon's silence. How could Lincoln's Springfield law partner, who occupied the same small bedroom as Speed and Lincoln for two years, have been clueless about the romance a few inches away? Tripp handed me several pages profiling Herndon as a super-heterosexual who was psychologically blocked from picking up Lincoln's lavender vibes. "Little wonder that with a marriage glowing like a diamond in his own life Herndon was blind as a bat to other possibilities," he wrote.

What evidence backed up Herndon's handicap? Tripp wrote that Herndon "never complained" about caring for his wife and six children (strictly speculation), that he "rushed home [from the traveling court circuit] on weekends" (like most husbands), and that he said during his final days "that his whole married life" was "'an endless stream of happiness.'"

Such make-it-up-as-you-go-along methodology similarly shows in Tripp's analysis of Lincoln's original encounters with Joshua Speed and Captain David Derickson. Scenes innocent on their face are always soft-focused into seductions. Thus, when Lincoln rode up to Speed's store in Springfield in 1837, Speed could not (in Tripp's telling) wait to get his hands on the lonesome, lanky stranger when he offered to have him crash in his bed, a common occurrence on the rude frontier.

And the evidence for Speed's lightning erotic response: He did not mention to Lincoln that he had previously heard him give a speech. Why not? Well, Tripp writes, "Had he said anything about recognizing Lincoln, or expressed admiration for the speech, this would have immediately moved their contact toward a conventional, friendly familiarity—exactly appropriate for, say, the start of either an ordinary friendship or conventional courtship, be it heterosexual or homosexual—but enemy territory for any brand of rapid sexual conquest."

Of course, Speed could well have mentioned the speech to Lincoln at the time and merely forgot to tell Herndon three decades later. Or perhaps Herndon failed to mention it for any of a dozen other reasons. And since when is "friendly familiarity" an aphrodisiac for male cruising? Is that something Tripp improvised, like Herndon's ultra-heterosexuality, or did it hold for other seductions?



Joshua Speed

Tripp's souped-up study of Lincoln's first encounter with Captain David Derickson in 1862 gives the game away. Here the fifty-one-year-old Lincoln was the presumed aggressor moving in on the forty-four-year-old captain:

> It's clear that almost as soon as [Captain Derickson] entered Lincoln's carriage for their first ride to the city, their connection was immediate. There was a charged atmosphere of mutual esteem, one well-primed for moving toward some kind of culmination. As Derickson described it, their conversation proceeded through many small but rapid steps, with Lincoln's questions about his background. These are precisely the kinds of redundant questions in pursuit of small increments of intimacy that quickly become tiresome in ordinary conversation—but not here, perhaps because interest was not on facts but rather on the chance they offered the partners to increase the quality and extent of their closeness within an almost classical seduction scene.

When Speed laid a trap for Lincoln, small talk was uncool. But when Lincoln dogged his bodyguard, chitchat was exactly right.

Meanwhile, there's the boy-marries-boy comic poem Lincoln penned when he was twenty:

The girls he had tried on every side.
But none could he get to agree;
All was in vain, he went home again
And since that, he is married to Natty.

So Billy and Natty agreed very well;
And mamma's well pleased at the match,
The egg it is laid but Natty's afraid,
The shell is so soft that it never will hatch.

In his mid-1990s draft, Tripp regarded the verse as another smoking gun: "viewed through the prism of sex research, the poem is an open and shut case, a virtual certification of Lincoln's own engagement in homosexuality," he wrote at the time.

David Donald criticized Tripp's forced interpretation in his 1996 letter: "The person who tells a joke about 'fags' or 'gays' or 'butch' women may reveal a lack of taste but that does not necessarily indicate homosexual leanings." Under pressure from Donald and me, the simple equation of the poem and homosexuality was dropped.

But this concession did not leave Tripp emptyhanded. Hoping to say something in the book that Shively had not already said about Lincoln's provocative lines, he latched on to the soft-eggshell image.

The couplet "suggests Abe was well aware of the term 'jelly-baby,'" he wrote. "Originally from Negro vernacular, the phrase soon came to be used by whites as well: slang denoting what uneducated folk imagined (and some-

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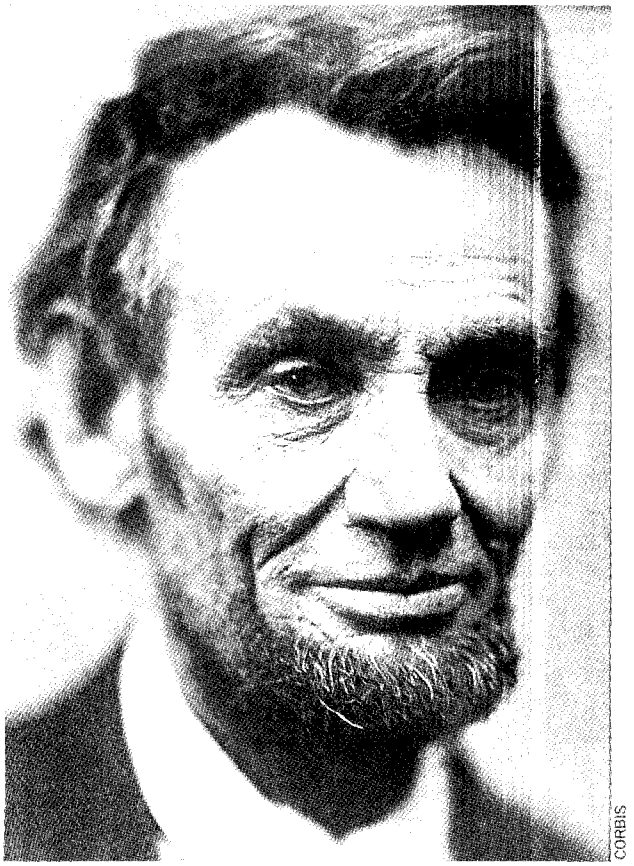

CORBIS

times still imagine) as a 'pregnancy' from homosexual intercourse." But "jelly baby" was a twentieth-century term cited in Kinsey's 1952 female volume, making it unlikely that Lincoln was aware of it.

Tripp's lax standard of evidence became looser the more distant from sex. For example, he grew enamored of Ida Tarbell's report in her *The Life of Abraham Lincoln* that every living member of Lincoln's former bodyguard troop could "quote verbatim the note which the President wrote" to the War Department keeping Captain Derickson and the boys of Company K at the White House. And so Tripp deduced "that very quickly, probably on the very day Lincoln wrote the order acknowledging his high favor for Company K, he also scribbled out at least a few copies for the soldiers themselves," all the better to memorize from.

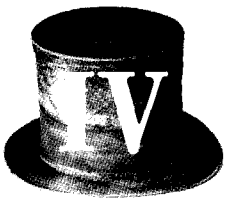
The opposite was actually the case. The soldiers of Company K were *angry* with Lincoln. They wanted combat, not guard duty. "Many of the regiment were so weary of the prolonged inaction and the wasting of its strength at the capital by disease, that they chafed very much at the countermanding of these orders," wrote Colonel Thomas Chamberlin, Derickson's commanding officer, in his *History of the One Hundred and Fiftieth Regiment Pennsylvania Volunteers.*

In ten years of assiduous research Tripp found no final proof of consummation with any of the five men identified as Lincoln's lovers.

His raw sex file is astonishingly thin, just three fragments in Herndon about Lincoln's sleeping with Greene, Speed, and A.Y. Ellis, a merchant and political admirer. Another claimed lover, Henry C. Whitney, a lawyer friend, had only a sentence from his memoir *Life on the Circuit With Lincoln* tipping him into the boyfriend category: "It was as if he wooed me to close intimacy and familiarity."

A single sentence, too, branded the bodyguard in Chamberlin's military history: "Captain Derickson, in particular, advanced so far in the President's confidence and esteem that in Mrs. Lincoln's absence he frequently spent the night at his cottage, sleeping in the same bed with him, and—it is said—making use of his Excellency's nightshirt!" Provocative, puzzling, possibly homosexual, but who is to say what truly happened? Was the short, stocky, middle-aged captain even Lincoln's type? Elsewhere Tripp devoted a chapter to the glam Elmer Ellsworth, a young protégé of Lincoln's, who purportedly fit his "tastes for young men."

And why would any reader put faith in Tripp's opinion when he has squandered his credibility throughout his book? Would you trust a revisionist who told you that "Speed was, in fact, the one and only person in Lincoln's life on whom he repeatedly lavished his most personal and most endearing 'Yours forever,' in itself a major smoking gun and a salutation he never bestowed on any woman, including his wife"—if you knew that his database held Lincoln letters addressed to six other men with the same closing, a fact not included in the text?



The Intimate World of Abraham Lincoln, already an object of derision among specialists, contains a poison pill in an afterword by Michael Burlingame entitled "A Respectful Dissent." Recently retired from Connecticut College, Burlingame has a monumental three-volume Lincoln biography in progress with Johns Hopkins University Press. He and Tripp got along well and shared information, if not a thesis.

"I liked Tripp, but he was careless and sloppy," Burlingame told me. "I'm surprised that Free Press accepted my afterword since it says the book is full of baloney." In particular, Burlingame devastates Tripp's intellectual honesty by noting that he had suppressed many stories of Lincoln's heterosexual interest.

"Since it is virtually impossible to prove a negative, Dr. Tripp's thesis cannot be rejected outright," wrote Burlingame. "But given the paucity of hard evidence adduced by him, and given the abundance of contrary evidence indicating that Lincoln was drawn romantically and sexually to some women, a reasonable conclusion, it seems to me, would be that it is possible but highly unlikely that Abraham Lincoln was 'predominately homosexual.'"

The Gay Lincoln Theory, for all its jagged edges, may be a more satisfying explanation for the president's weird inner life than the Utterly Straight Lincoln Theory. "I have heard [Lincoln] say over and over again about sexual contact: 'It is a harp of a thousand strings,'" Henry Whitney told William Herndon in 1865. Leaving aside Tripp's bad faith, it is not utterly beyond imagining that Lincoln may have played a few extra strings on that harp.

But the fraud and the hoax of C.A. Tripp's *The Intimate World of Abraham Lincoln* are no way to explore the hallowed ground of history. ♦

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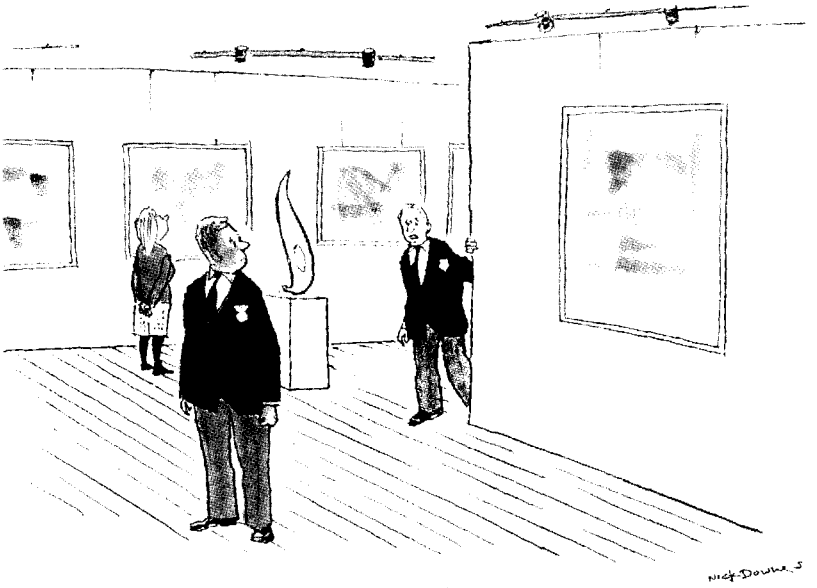

"I'm going to knock off early, George. I'm getting that nagging urge again to desecrate a masterpiece."

Books in Brief

***Winter House: A Mallory Novel* by Carol O'Connell (Putnam, 306 pp., $24.95).** Since the 1994 publication of *Mallory's Oracle*—an Edgar-award-winning debut novel—no crime novelist has surpassed Carol O'Connell in excellently crafted works. O'Connell's latest, *Winter House*, is no exception: displaying the author's graceful prose, astringent humor, and psychological acuity.

This is the eighth book featuring Detective Sergeant Kathy Mallory, O'Connell's ambiguous heroine. A former child of the New York City streets who survived by theft and guile, Mallory is a sociopath who has somehow fashioned her own idiosyncratic set of principles. And to those principles she rigidly adheres. Mallory is that rare fictional character who is both original and good.

Winter House—in contrast to the series' other novels—begins on a more or less positive note. Upon breaking in to a place called Winter House, a serial killer is deftly dispatched by an ice-pick-wielding householder, a charming, elderly lady by the name of Nedda Winter. All would be well were it not that more than half a century earlier, Winter House was the scene of one of the more spectacular and grisly unsolved crimes in New York's history: the slaughter by ice pick of nine members of the Winter family and the more than suspicious disappearance of twelve-year-old Nedda "Red" Winter—whose fifty-eight-year absence has been "the most enduring mystery in the annals of NYPD."

One does not read O'Connell for reassurance that justice will unambiguously triumph. Her books are driven by their characters and their wit, their humanity and their insight. Mallory's partner, Riker, exemplifies these qualities in *Winter House* when he sagely observes: "You know it's a dysfunctional family when the one you like the best is a mass murderer."

—Steven J. Lenzner

***American Heroines: The Spirited Women Who Shaped Our Country* by Kay Bailey Hutchison (William Morrow, 384 pp., $24.95).** Following a spate of books by members of Congress, Texas senator Kay Bailey Hutchison offers *American Heroines*, a compilation of profiles of women who pioneered their professions—and thus, Hutchison says, paved the path for modern women.

"Pioneers led the way, running the family businesses and opening schools; then came Rosie the Riveter and the WASP, who flew ferry missions in World War II for no credit; now we are doctors, mayors, generals, admirals, and CEOs of Fortune 500 companies," she writes in the introduction.

The book's eleven chapters are organized thematically according to profession, and each begins with biographical sketches of Hutchison's subjects: women like Elizabeth Seton, Clara Barton, Amelia Earhardt, and Margaret Chase Smith. *American Heroines* follows up each chapter with lively interviews (something Hutchison mastered in her pre-Senate days as a television reporter) with women who have broken barriers in their own fields, such as Lynne Cheney in education, Barbara Walters in journalism, Sally Ride in space, and Sandra Day O'Connor in law. These interviews are the real core of the book.

One problem with *American Heroines* is its lack of consistency in the length and substance of the profiles. Some go on for far too long, while others, such as the short section on Jacqueline Cochran (a pilot for the United States in World War II), make you wish the author had done a little more research.

The book is also a bit self-important, as the cover jacket compares the senator to the people she writes about—describing Hutchison, the first female senator from Texas, as "a pioneer in her own right."

Still, *American Heroines* is a handy resource. It's quick, easy, and full of facts. What more do you want in a book from a member of Congress?

—Rachel DiCarlo

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Headlines from 2005 . . . .

CNN Cancels 'Crossfire' To Make Room for Something Worse

Show "not bad enough for us," says CNN chief

Future Op-Eds on Social Security Reform To Include Only First and Last Paragraphs

Unread Middle Parts to Be Removed, Further Cuts Considered

New Line of Imams To Come in Three Flavors

'Controversial,' 'Radical,' or 'Fiery'

US DOLLAR PEGGED TO PESO

Move hailed as first step in stabilizing currency

By MASON NIMMERMAN

Iraqi Leaders Hail Successful Election

Casualty rate among voters under two percent

BAGHDAD, Jan 23 — While gunfire blast leveled

KERRY, VISITS TROOPS IN IRAQ, CHASES DOWN, KILLS TWO INSURGENTS

Gesture hailed by soldiers as 'very sensitive'

(AP) BAGHDAD, Feb 13 — Sen. John Kerry,

Senator Frist Again Saves Life Of Tourist In Capitol With Delicate Kidney Transplant

Locating Transgenic Cat on Premises Called "A Lucky Break"

US Airways Stays in Business

Travelers beg company to reconsider

BY DAVIS TAYLOR

ON — After its third many years, troubled

'Good,' 'Bad' Cholesterol Sign Peace Accord

Supporters of Agreement Hope for Dramatic Reduction in Articles on Topic

the weekly

Democratic Party Considers Name Change

Suggestions Include "ValuPol," "Altria Group," "Them"

WASHINGTON (AP) — Focus-group and "Hard Left." The documents also list results leaked to the media by key fin

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Stay the Course—Except on Spending

An economic agenda for the second Bush administration

President Bush deserves generally very high marks on economic policy in his first term, although there were some stumbles (e.g., too much nondefense spending growth, steel tariffs). His approach to economics and economic policy—a combination of philosophical principles and practical business experience—will continue to serve him well in his second term. . . . In light of this, what should the second term agenda be? . . .

In the hurly-burly of political debate, [the president needs to] keep reminding all of us—Congress, policymakers, most of all, the public—that, just like a football, basketball, or baseball team, the agenda [he is] fighting for adds up to more than the sum of its parts.

A more modest role of government, lower and simpler taxes, slow growth of spending, modernized solvent entitlements, trade liberalization, regulatory and litigation reform, and support for sound monetary policy is *the recipe* most likely to lead to rising living standards, low unemployment, long economic expansions, less-frequent recessions, better-paying jobs, and upward mobility for those who have not yet made it up the economic ladder.

And the alternative of higher taxes, more spending, more regulation, and the like, is the poisonous brew that has led so many other developed economies, especially in Europe, to economic stagnation, double-digit unemployment, and socioeconomic ossification.

—*Michael J. Boskin*

Paid for by the Hoover Institution, Stanford University.

Also in the new issue . . .

Bush's Historic Opportunity
By **Thomas Sowell**

The War of Ideas: An Assessment
By **Milton Friedman**

Our Kim Jong Il Problem
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How to Save the U.N. (If We Really Have To)
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THIS POLITICIAN HAS ULTERIOR MOTIVES.

They're out there. They look like you and me, but they're different. They've experienced firsthand the disparities, but also the possibilities for children growing up in low-income communities. They joined Teach For America and are now part of the growing force of leaders who are working to ensure that one day, all children in this country, no matter where they live, have an equal chance in life. And how could they not be part of such a movement? Teach For America is the national corps that calls on our nation's most outstanding college graduates to commit two years to teach in urban and rural public schools and to become lifelong leaders in the effort to expand opportunity for children. Visit www.teachforamerica.org for more information.

TEACH FOR AMERICA

LEAD A LIFE WITH PURPOSE.

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